

**Between fear of masses and freedom of movement:
migrant flexwork in the enlarged European Union**

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migrant flexwork in the enlarged European Union**

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van de Managementwetenschappen

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Voorwoord

Van Kiew naar Kent in tweeënveertig uur. Oké, ik moet toegeven dat het niet echt leuk is om tweeënveertig uur in een bus te zitten. Bij Lviv waren de boterhammen met salami op. In Polen merkte ik dat mijn enkels dik werden. Toen we ergens in Duitsland stopten om te tanken, at ik de laatste kruimeltjes maanzaadcake op en spoelde ze weg met vies, metalig water uit een kraan waarop stond dat het geen drinkwater was. In België werd ik ongesteld, maar dat merkte ik pas toen er door mijn spijkerbroek heen een donkerrode vlek op de zitting verscheen. In Frankrijk had ik helemaal geen gevoel meer in mijn voeten. Op de veerboot naar Dover ging ik naar het toilet om me te wassen. Toen ik in de beslagen spiegel boven de wastafel keek, herkende ik het fletse gezicht met die donkere ogen bijna niet: was ik dat echt, dat verkreukelde meisje met dat ongekamde wilde haar en die wallen onder haar ogen? Ik liep wat heen en weer om de bloedsomloop in mijn benen op gang te brengen, en toen ik daar in het bleke, waterige ochtendgloren aan dek stond, kwamen de witte krijtrotsen van Engeland in zicht; prachtig, mysterieus, het land van mijn dromen.¹

Het gaat ver om de soms onveilige reis van een arbeidsmigrant te vergelijken met een promotieonderzoek, dat immers grotendeels wordt uitgevoerd binnen de beschermende muren van een universiteit. Toch zijn er, denk ik, overeenkomsten. Want ook als promovendus ben je lang onderweg, zit je veel en moet je bij vlagen flink afzien. Ook bij een promovendus strijden vermoeidheid en blijdschap om voorrang wanneer het einde dan toch in zicht komt. Ook een promovendus beweegt zich in een complex samenspel van instituties, regels en voorzieningen. Net als veel arbeidsmigranten is een promovendus een passant, een tijdelijke collega. En net als bij arbeidsmigranten hangt het welslagen van de reis deels af van de reisbegeleiding.

Mijn reis is begeleid door Frans Boekema, Henk van Houtum en Martin van der Velde.

Beste Frans, toen ik in 1998 in Tilburg letterlijk voor de keuze stond om jouw vak Regionale Economie en Economische Geografie te volgen, kon ik niet vermoeden hoe bepalend die keuze zou zijn. De colleges van jou en Silvia, het

¹ Aldus aankomend aardbeienplukster Irina Blazhko uit Kiew, Oekraïne. Meer over de Engelse avonturen van Irina en andere arbeidsmigranten uit de Oekraïne, Polen, China, Maleisië en Malawi in de roman *Twee Caravans* van Marina Lewycka (Amsterdam: Mouria, 2007).

college dat ik zelf mocht geven, het jaar dat ik studentassistent was, de tijdelijke onderwijsaanstelling in Tilburg, de kans om in Nijmegen junior onderzoeker te worden, achteraf lijkt het zo vanzelfsprekend. Maar dat is het natuurlijk niet. Jouw vermogen om in te schatten waar mensen goed op hun (werk)plaats zijn is groot, maar misschien ben je juist daarom wel economisch geograaf... Ik ben je heel erg dankbaar voor het onvoorwaardelijke vertrouwen dat je steeds in me hebt en voor de fijne gesprekken over de vorderingen van het onderzoek.

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In de loop van het onderzoek heb ik veertien deskundige en ondernemende mensen mogen interviewen die voor hun werk te maken hebben met arbeidsmigranten uit nieuwe lidstaten van de EU. Ook in het schrijfstadium kon ik bij hen terecht voor extra uitleg of informatie. Hun kennis en inzicht hebben in belangrijke mate bijgedragen aan het eindresultaat.

Een andere belangrijke plaats in de totstandkoming van dit proefschrift wordt ingenomen door mijn collega's en oud-collega's van de leerstoelgroepen Sociale Geografie en Planologie. Heel wat serieuze en minder serieuze uurtjes heb ik doorgebracht in het prettige gezelschap van Stefan, Nicole, Jackie, Bas Spierings, Anke, Ruben, Freerk, Roald, Krisztina, Bas Hendrikx, Margo, Steffi, Marisha, Lothar, Joris, Ton, Annelies, Barbara, Huib, Hans, Gerrit, Yvonne en Annette.

Heel blij ben ik met mijn lieve vrienden. Jullie warme belangstelling in mijn werk en in mijn doen en laten daarbuiten is fijn en biedt de soms nodige steun. Jullie brengen in de praktijk waaraan hele studies² gewijd worden, namelijk dat verwantschap zoveel meer inhoudt dan traditionele familiebanden. Een speciaal woordje van dank aan mijn paranimfen Annie en Tillie. Ik ben onder de indruk van jullie nuchterheid en vermogen om dingen aan te voelen. Aan Patries, die destijds scherpe ideeën aandroeg voor het verbeteren van mijn onderzoeksvoorstel. Aan Wietske, die naast haar werk en kindjes de tijd vond om de samenvatting van het proefschrift door te lezen. Vielen Dank auch an dich, liebe Silke, für deine inspirierende und grenzüberschreitende Freundschaft. En aan Marise, Sacha, Cecile, Heather en Elizabeth, gewoon omdat we al zo lang goede vriendinnen zijn, al sinds die dag op koorkamp toen we samen in een boom klommen, of nog langer...

Ik vind het bijzonder dat mijn broer Joep zo sportief was om ook aan een promotieonderzoek te beginnen, en mijn broer Fons zo slim om vooral zijn eigen weg te kiezen.

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Roos

² Waarvan het werk van de Amerikaanse cultuur- en politieke filosoof Judith Butler een goed voorbeeld is (zie onder andere haar boek *Genderturbulentie*, Amsterdam: Boom, 2000).

Chapter 1

Old Europe,³ New Europe and East-West migration

Freedom of movement for workers shall be secured within the Community.
Treaty Establishing the European Community (consolidated version, 2002, article 39)

By way of derogation ... the present Member States will apply national measures, or those resulting from bilateral agreements, regulating access to their labour markets by Polish nationals.

Treaty of Accession (provisional version, 2003, annex XII)

1.1 Introduction

When in 1986 Spain and Portugal joined what was then the European Economic Community, per capita income levels and unemployment rates in both countries, which had just emerged from dictatorial regimes, were well below the Community average. The softened border regimes within the EEG enabled tens of thousands of workers from especially the most deprived areas in these new Member States to seek employment in north-western Europe. Although a small group of labour migrants settled permanently in their country of destination, the majority returned home after some time. In the Netherlands, for example, Portuguese, Greek and Irish nationals can still be encountered working year-round in tomato and flower glasshouses, and seasonally in the asparagus and strawberry fields. However, their labour is gradually being replaced by that of people from what is considered Europe's 'eastern fringe', namely the post-Communist states of Central and Eastern Europe. Figure 1.1 shows a map of the current geopolitical situation in the European Union. The countries that acceded to the EU in 2004 are Estonia, Latvia, Lithuania, Poland, Hungary, the

³ Paraphrasing former US Secretary of Defence Donald Rumsfeld's remarks about 'old Europe', by which he meant France, Germany and the other Western European countries that opposed the invasion of Iraq, unlike the majority of Central and Eastern European countries, new members of both the EU and NATO, that supported the war. In political rhetoric and popular speech, 'Europe' and 'the European Union' are often conflated.

it is hoped that their EU membership will contribute to the alleviation of these inequalities, the economic prosperity of the (otherwise contested) geopolitical entity that is the EU is spatially spread in startlingly uneven ways.

The East-West migratory movements ensuing from the 2004 EU enlargement round constitute the central research theme of this PhD thesis. This chapter introduces this central theme. As is explained in more detail in the following section, the ‘old’ Member States (the ‘EU-15’) have implemented a series of restrictive policy measures vis-à-vis labour migrants from new Member States. Elaborating on the example of migrant workers from Poland, section 1.3 illustrates the effect that these restrictions have had on East-West migration. Before proceeding to the definition of the research objective and the two research questions in section 1.5, the notion of ‘East-West migration’ is problematised in section 1.4. The structure and contents of this thesis are outlined in section 1.6.

1.2 Old Europe: transitionally restricting the free movement of labour

In the pre-enlargement years, the citizens of accession countries could formally access EU-15 labour markets in one of two ways: by obtaining work permits (such permits are a common way for nation-states to regulate the labour market entry of non-natives) or through bilateral, perhaps seasonal labour agreements. Upon accession, citizens of the new Central and Eastern European (CEE) Member States would be entitled to work in any other Member State (EC, 2002). Hence, the labour markets of the old Member States would be opened up by the suspension of work permit requirements. However, many envisaged that this basic EU principle would cause mass migration flows to the EU-15. These expectations were based less on experiences with the accession of southern European countries and Ireland, than on the events following the unification of Germany, when workers from the poorer eastern *Länder* moved to the western part of the country in huge numbers. Fearing the consequences of similar developments after the unprecedented 2004 EU enlargement for national labour markets and social security systems, most of the old Member States decided not to lift work permit requirements. Only the United Kingdom, Ireland and Sweden opened up their labour markets, albeit not unconditionally, as they limited access to welfare benefits. In May 2006, these ‘transitional arrangements with regard to the application of the principle of the free

movement of labour for the citizens of new Member States' were extended to April 2009 by Germany, Austria, France, Belgium, Luxemburg, the Netherlands and Denmark. In contrast, Finland, Italy, Greece, Spain and Portugal have opened their labour markets (<http://europa.eu.int/eures>, accessed on 24 January 2007). Table 1.1 presents an overview of the status of the transitional arrangements in January 2007.⁵

Table 1.1:
Status of the transitional arrangements for 2004 accession countries in 2007

Member state	Period of time and key flanking measures
Austria	Maintained until at least 2009
Belgium	Possibly lifted. Fast-track work permit procedure in specific jobs and sectors
Denmark	Maintained until at least 2009. Simplification of procedure expected
Finland	Lifted on 1 May 2006. Worker' s registration scheme expected
France	Maintained. Fast-track work permit procedure in specific jobs and sectors
Germany	Maintained until at least 2009. Many work permits issued in practice
Greece	Lifted on 1 May 2006
Ireland	None. Limited access to welfare benefits
Italy	Lifted on 27 July 2006
Luxembourg	Maintained. Fast-track work permit procedure in specific jobs and sectors
Netherlands	Possibly lifted. Fast-track work permit procedure in specific jobs and sectors
Portugal	Lifted on 1 May 2006
Spain	Lifted on 1 May 2006
Sweden	None
United Kingdom	None. Worker' s registration scheme. Limited access to welfare benefits

Sources: EURES: The European Job Mobility Portal at <http://europa.eu.int/eures>, accessed on 24 January 2007, and BBC NEWS at <http://news.bbc.co.uk>, accessed on 24 January 2007

No earlier enlargement round led to the imposition of such severe restrictions on a scale that affected virtually the entire EU. The European Commission (EC) insists that all transitional arrangements be discontinued by or at the latest in 2011 (EC, 2006).

⁵ The information in this table is liable to change as a final decision about the extension of the transitional periods has not yet been reached everywhere. With the exception of Finland and Sweden, all EU-15 countries restrict labour migration from Romania and Bulgaria. Of the 2004 accession countries, Hungary and Malta have decided not to open their labour market to Romanians or Bulgarians (EURES: The European Job Mobility Portal at <http://europa.eu.int/eures>, accessed on 24 January 2007).

1.3 New Europe: a window on Poland

The case of Poland illustrates the preliminary effects of the transitional arrangements on East-West migration in the enlarged EU. Poland, which has 38 million inhabitants, is by far the largest of the 2004 accession countries. In the third quarter of 2005, 17.7 per cent of the country's labour force was unemployed, a figure that is dramatically higher than the EU average of 8.6 per cent⁶ and is approximated only by the Slovak Republic with its unemployment rate of 16.2 per cent (EC, 2006). It is therefore no surprise that Poland was the focus of fears about being confronted with many workers applying for jobs and welfare benefits. As a result, labour migration from Poland to the EU-15 has been well documented in recent years. Therefore, without explicitly singling out this particular migration flow as a case study, the Polish case receives a fair share of attention in this thesis. Table 1.2 shows the number of Polish migrant workers in several EU Member States and in the United States as estimated in the Labour Force Survey (LFS), which was carried out the Polish Central Statistical Office and recorded in the annual SOPEMI⁷ report for Poland (Kępińska, 2005).

In the period 2002 – 2005, Polish workers migrated to countries with and without transitional arrangements for both shorter and longer periods of time. The figures in table 1.2 indicate that the absolute short- and long-term volumes of labour migration from Poland kept pace with the geographical proximity of a labour market and the sheer size of an economy, the United States excluded.⁸ Traditionally, the largest flow is to Germany and consists of seasonal agricultural workers. However, as can be seen from the table, after Poland's accession to the EU, the volume of the short-term flow of Polish migrant workers to the United Kingdom (which does not impose labour market entry restrictions) increased sharply. A similarly disproportional increase occurred in Ireland, but not in Sweden – the third 'open' labour market.

⁶ This is a pre-2007 enlargement average, hence excluding unemployment rates in Romania and Bulgaria.

⁷ SOPEMI stands for *Système d'Observation Permanentes sur les Migrations*, which was established in 1973 to assist the European Member States of the Organisation for Economic Cooperation and Development (OECD) in sharing information on international migration.

⁸ Since the end of World War II, tens of thousands of Polish citizens have emigrated to the USA, a number exceeded only by that of the Polish emigration to the Federal Republic of Germany and later to Germany (Iglicka, 2001a).

Table 1.2:**Polish migrant workers by country of destination (in thousands)**

Country	Duration of stay abroad (in months)							
	2-11				12+			
	2 nd quarter 2002	2003	2004	2005	2 nd quarter 2002	2003	2004	2005
Total	86	83	126	148	56	66	67	77
Austria	3	1	4	2	1	1	1	3
Belgium	5	3	3	2	1	2	1	2
France	3	5	4	5	-	2	8	5
Germany	41	33	44	42	12	16	14	14
Ireland	-	1	4	9	-	-	2	6
Italy	12	10	17	17	10	12	9	12
Netherlands	4	2	3	5	4	4	3	1
Spain	3	4	6	5	2	3	4	3
Sweden	2	1	4	3	-	1	1	2
UK	4	7	10	36	3	3	4	9
USA	5	9	15	8	18	14	17	15
Other	4	7	12	14	5	8	3	5

Source: Recent Trends in International Migration: The SOPEMI Report for Poland (Kepińska, 2005)

The relative increase in the flows to the Netherlands and the other restrictive countries included in table 2.1 (Austria, Belgium, France and Germany) is much smaller. Southern European destinations (e.g. Spain and particularly Italy) have gained much popularity in recent years as a consequence of a persistent demand for foreign employees in construction, agriculture, tourism, domestic work and the care sector (Iglicka, 2001a, 2001b; Kepińska, 2005). Thus, it would seem that the transitional arrangements have successfully limited East-West migration. Whether this is really the case is investigated in the present research project.

1.4 East-West migration in perspective

The developments described above suggest that the labour migration between Poland and the old Member States is unidirectional. This is most certainly not the case: neither Poland nor the other 2004 accession countries are exclusively *emigration* countries. Although in Poland the difference between immigration and emigration remains net-negative, as in previous post-war decades, the numbers of return migrants and of workers, transit migrants and political refugees from the

former Soviet Union labouring and residing in the country are growing (Iglicka, 2001a, 2001b, 2001c, 2002; Wallace & Stola, 2001; Wallace, 2001, 2002; Stola, 2001; Okólski, 2001). Taking a closer look at the inflow of labour migrants, it is first of all worth mentioning that Poland, as well as Hungary, applies reciprocal measures: both countries restrict labour market access by workers from Member States that also impose restrictions (Kępińska, 2005; <http://europa.eu.int/eures>, accessed on 24 January 2007). This means that the work permit requirement for citizens of the United Kingdom, Ireland and Sweden has been suspended. A further suspension is expected on behalf of the citizens of Finland, Italy, Greece, Spain and Portugal (<http://europa.eu.int/eures>, accessed on 24 January 2007).

At the moment, Poland issues many work permits to citizens of Ukraine, Belarus, Russia and other countries of the former Soviet Union (Kępińska, 2005). This is largely accounted for by a phenomenon known in the literature by the somewhat condescending name of 'primitive mobility', which was witnessed especially in the first post-socialist years (Iglicka, 2001c). Primitive mobility is a generic term for the circular cross-border movements of petty traders from these countries to bazaars and open-air markets in Poland's border regions and larger cities. When Poland joins the Schengen system in full in 2007, the attendant strict visa regime is likely to even more profoundly affect socioeconomic relations with former Soviet Union countries on the other side of the external border than is the case today (van der Velde & Marcinczak, 2005). Because of its potential to divide, the Schengen external border is sometimes ironically called a 'Golden Curtain', so to speak replacing the former Iron Curtain (Eskelinen, Liikanen & Oksa, 1999; Langer, 1999). Moreover, the many economic migrants who attempt to illegally cross the Golden Curtain, whether in the east or in the south (e.g. at the barbed-wire fences of the Spanish exclaves Ceuta and Melilla, or on the shores of the Canary Islands) suggest that the EU has great difficulties in withstanding contemporary migratory pressures.

Hence, despite the intrinsic importance of the temporary internal borders for East-West migration, and of the real migration dynamics since May 2004, these issues must be viewed in the light of other boundaries and other migration flows that are traversing the external borders of the EU. East-West migration, however timely, is but one instance of labour migration across EU borders.

1.5 Research objective and research questions

Like all institutional borders, the transitional restrictions deny some individuals (in this case, *some* new EU citizens) freedom of movement, whilst granting it to others (in this case, *all* other EU citizens). In effect, a difference of status is created among people who are legally the same. First of all, this more normative, ethical aspect of the transitional restrictions merits close scrutiny. Apparently, convinced by alarming claims about mass labour migration, the Member States were willing to sacrifice a fundamental EU citizenship right in order to protect national labour markets and national welfare mechanisms. Second, attention is drawn to the fact that although the transitional arrangements may have limited East-West migration, as the survey data in table 1.2 suggest, not only are many people going to the various closed economies, but also their number is growing. By way of an explanation for this development, it is argued in the 2005 SOPEMI report for Poland that:

Perhaps inertia, networks, established employment relationships, and entrenched demand patterns serve to sustain flows independently of the underlying institutional environment. (Kępińska, 2005, p. 28)

What this says is that non-state demand and supply actors or groups thereof, such as employers and migrant communities, sustain already existing East-West migration flows independently of the transitional restrictions imposed by the Member States. The term ‘inertia’ points to possible lags between the implementation of the restrictive measures and the achievement of their desired effects.

Specifying the aforementioned central research theme by taking into account these general observations, the objective of this thesis is **to critically rethink the origins of the transitional arrangements with regard to the application of the principle of the free movement of labour for citizens of new Member States in the European Union, and to reflect on their relative success in reducing the potential migratory pressure on the respective national labour markets of the old Member States**. In addition, two overarching research questions have been defined:

- 1) Why and how were the transitional restrictions on the free movement of labour in the EU brought into being?
- 2) Where and how do these restrictions become inscribed in the EU's economic landscape?

1.6 Following in the footsteps of East-West migration, 2002-2006

East-West migration has provided a timely research topic both before and since the 2004 enlargement of the EU. The period during which this research project was carried out (i.e. 2002-2006) combined with the fact that it was hosted by a university located in a Dutch-German border region where many migrant workers as well as employing and recruiting parties are based, made an excellent setting to empirically ground this central theme. Hence, from 2002 until 2006, I closely followed the larger border and migration policy issues at stake at the level of the EU, the political, media and scientific attention in the Member States, and real-time developments concerning the labour market entry and employment of migrant workers. In terms of structuring the project, I chose to devote separate, in-depth texts to a number of sub-themes thus discerned. As such, each of Chapters 2 – 7 forms a rounded-off text that can be read independently from the others; however, all chapters are connected to the central research theme, the research objective and the two research questions. The chapters are slightly altered versions of papers that have been or will be published in scientific, peer-reviewed geography journals or edited volumes. Writing chapters as individual papers enabled me to seek publication for parts of my work before completing this thesis.

Chapter 2 (**Querying the queue: a review of the literature on the management of borders and migration in the European Union**) presents a review of a recently published body of thematic literature. The aim of this literature is to excavate a more generally expressed discontent with the widely observed contradiction between the supposed greater openness of the EU's internal borders and the strengthening of external border controls. This formulation, however appropriate, to some extent underexposes the geopolitical motives and implications at stake. In particular, two claims stand out here. The first is that the line between the state and the non-state in regulating migration issues is rather thin. Without *de facto* rejecting the influence of market actors in migrant control and selection, many

contributors to the current debate abundantly describe and criticise the market-inspired managerial features of European migration policy. The second claim is that, spatially, these policy practices translate into a conception of the borders of the EU as networked power instruments used to control security risks and the risks posed by flexible capitalism. In reviewing the arguments that sustain these claims, it is found that the management of borders and migration in the EU entails many aspects of governmentality and territoriality that, together, are expressed in the metaphor of the 'queue', literally a waiting line in a waiting space.

Chapter 3 (**The European Union as a gated community: a two-faced border and migration regime**) shows that in the EU, an internal liberalisation of cross-border labour mobility for EU citizens is currently being combined with the tightening of control and management efforts at the external borders. At the same time, attempts are being made to strategically select migrants from new Member States as well as from outside the EU who will be of economic value. In this chapter, it is argued that by implementing such protectionist and selective migration policy, the EU has come to resemble a gated community in which the biopolitical control and management of migration is, to a large extent, the product of fear. Fear often manifests itself in terms of fear of losing material gain, the anxiety about losing economic welfare or public security. More often, however, this fear relates to the entrance of the migrant, the stranger, and is as such associated with a fear of losing the community's self-defined identity. These perceived threats to a community's comfort lead to the politicisation of protection, whereby the *terra incognita* beyond the border is justifiably neglected due to the indifference shown and the intentional blindness to the outside.

It is then argued that hiding in a gated community in order to protect this 'comfort zone' and trying to exclude outsiders – 'Others' – from the community, is not only pointless (the desire for completion of the Self can never be fulfilled) but also sustains and reproduces global inequality and segregation, both in the material and the symbolic sense.

I start Chapter 4 (**'Help! The Poles are coming': narrating a contemporary moral panic**) by recalling that in the years and months prior to the May 2004 enlargement of the EU, a majority of old Member States imposed transitional restrictions of between two and seven years on the free movement of labour for citizens of new CEE Member States. By examining where rationality, exaggeration and strategic action meet in the construction of this particular

migration flow as a cause for concern, my aim is to scrutinise the fear of mass migration that ran through the EU-15 before enlargement. To this purpose, I embed the notion of fear of mass migration in literature on moral panics, risk society and the ‘othering’ of economic migrants in and by parliaments and media. By means of a case study narrative of the decision-making process on the free movement issue in the Netherlands, I subsequently demonstrate that ‘politics of fear’ are deeply rooted in the uncontrollability of mobilities of an unknown volume and an uncertain impact on national labour markets. Beyond reasonable concerns of job loss, however, labour migrants from new Member States are also feared as threats to borders of morality and identity in Western European societies. The narrative’s results are placed within a wider context of current boundary drawings with regard to migration in the enlarging EU.

In Chapter 5 (**Problematising the ‘orderly’ aesthetic assumptions of forecasts of East-West migration in the European Union**), I reflect critically on migration forecasts, that is, on mathematical and statistical ‘guesstimates’ of future patterns of migration flows. In the enlarging EU, migration forecasts are often carried out at the request of policy makers who fear invasions of cheap labour migrants from new Member States. Most migration forecasts are based on the assumptions and working practices adhered to in such quantitative disciplines as neoclassical economics and spatial science. Especially the principles of ‘equilibrium’ and ‘place’ are of great importance in these disciplines. This chapter argues that migration forecasts, which offer apparent numerical certainty about the volume of migration flows, address a latent desire for aesthetic sociospatial order in society. Migration is considered a disequilibrium phenomenon, and linear movements and final destinations are presupposed. However, these ‘orderly’ aesthetic assumptions do not correspond with ‘messy’ real East-West migration dynamics in the EU, which are foremost temporary and circulatory in nature. Using evidence from the Netherlands, I conclude the chapter by suggesting that migration forecasts may indirectly strengthen claims for restrictive migration policy.

Chapter 6 (**Mobility across borders: contextualising local strategies to circumvent visa and work permit requirements**) is focused on structuring capacities of mobility strategies that are oriented towards, that seek to challenge, institutional borders. Positioned within the debate on the role of context in the ‘new’ economic geographies, and tempted to adopt elements of the Marxist-inspired strategic-relational approach to the geographical study of institutions, the creative

entrepreneurial ability of mobile and immobile actors to influence prevailing border contexts is emphasised. By discussing two timely cases, the chapter aims to continue the work on 'primitive' mobility, which is typical of the early years of post-Iron Curtain economic restructuring.

The first case is provided by the larger bazaars in the Polish city region of Lodz. The functioning of these bazaars very much depends on the openness of Poland's eastern border, since many buyers and sellers come from such countries as Belarus, Ukraine and Russia. The future admission of Poland to the Schengen area has had major consequences for Poland's eastern border, and hence for the visa circumvention strategies of the protagonists of the bazaar economy.

The second case concerns Polish migrant workers in the Dutch-German Lower Rhine border region. At present, the Netherlands and Germany deny free movement of labour to citizens of new EU Member States. However, due to a strong demand for motivated and cheap migrant labour in the region, Polish workers are enabled to enter by means of circumvention strategies that are located at the margins of accounting and labour law. It is argued that the local strategies oriented towards Schengen and the restrictions on free movement are far from 'primitive'. Instead, they imply creative, sophisticated legal and negotiating techniques that as such indeed may have structuring effects.

Chapter 7 (**Organising migrant flexwork: international employment agencies as the anchors of EU labour mobility**) deals with the underexposure in the literature on social migrant networks and transnational migration flows of the constitutive role of employers and their recruiting actors. This is despite a known and persistent economic demand in countries and regions of destination for migrant labour that is cheap, readily available and easily dismissed. Aiming to contribute to a further understanding of the working of the recruitment of migrant labour, instigated by employers, my focus in the last chapter is on the example of international employment agencies. I argue that these agencies are currently the anchors of the circular labour migration between Poland and the Netherlands. In the Netherlands, private labour market intermediation is both a common and a fully legal phenomenon, one that allows the agencies to transfer part of the Polish employment from the underground to a more legal and visible presence. When regarded through a post-Fordist regulatory lens, these migrant workers could be named 'migrant flexworkers'. Apart from analysing the origins and current

functioning of the international employment agencies, in this chapter I discuss their development prospects as well as some more normative aspects of migrant flexwork.

Chapters 2 – 7 do not follow the order of writing, journal submission or publication of the various papers. Instead, they are clustered according to geographical scale. Chapters 2 and 3 are set at the level of the EU, Chapters 5 and 6 at that of the Member States, and Chapters 6 and 7 at the regional and local levels. In making an inventory of the sub-themes, in the second paper of each scale cluster I focus on a particular topic that is touched upon in the first paper. In Chapter 3 I discuss the ontology of (or, the very reason for there being so many) borders against migration in the EU, as detailed in Chapter 2. In Chapter 5, I scrutinise migration forecasts, which appear in the moral panic about mass migration from new Member States described in Chapter 4. In Chapter 7, I turn to the activities of international employment agencies, which are among the strategies to circumvent the transitional restrictions on free movement mentioned in Chapter 6.

In Chapters 3, 4 and 5, I pay attention mostly, though not exclusively to the first research question, whereas in Chapters 2, 6 and 7 I put the emphasis mostly, though not exclusively on the second research question. At this point it has to be added that Chapters 2, 3 and 6 have a slightly broader scope than the issue of the transitional restrictions seen through the lens of the Polish case. Chapter 2 is an overview of the recent literature on borders and migration in the EU, whereas Chapters 3 and 6 were written together with colleagues who work on conceptually strongly related, yet thematically slightly different research topics. Chapter 3 as such proposes a more normative perspective on borders for all kinds of migration into the enlarged EU, drawing on liberal philosophical stances in this regard. Chapter 6 offers a comparative case study of the practices of circumventing transitional restrictions for Polish migrant workers in the Netherlands, and those of bypassing the new Schengen restrictions for petty traders from former Soviet Union countries in Poland.

Chapter 8 (**Towards a relational perspective on migrant flexwork**) presents a synopsis of the concluding remarks made in Chapters 2 – 7. In addition, my aim is to let this final chapter be a place of in-depth reflection on my general research findings. Conceptually, the research project is situated at the nexus of migration studies, economic geography, political economy and border studies. Whereas the migration of workers clearly constitutes a core research interest of migration scholars, issues related to international labour migration appear to be less

explicitly visible in current debates in economic geography. Conversely, contextual research on the flexibilisation of production and capital investment, and its consequences for the global geographies of work, is dominantly conducted by economic geographers. Moreover, the geopolitical setting in which the geography of migrant flexwork unfolds calls for a continued engagement with political economy and border studies, devoted to the critical study of state institutions and apparatuses as well as of invisible boundaries that order and divide society and space. Weaving together the threads of the previous chapters, in the remainder of Chapter 8 I attempt to heuristically combine these fields and subfields into what I call a relational perspective on migrant flexwork.

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The following text will be published in the edited volume

State, Place, Governance: Shifts in Territoriality, Governmentality and Policy Practices

by Bas Arts, Henk van Houtum and Arnoud Lagendijk

Chapter 2

Querying the queue: a review of the literature on the management of borders and migration in the European Union

The more exhaustively fair is the procedure for determining eligibility, the more understandably restless is the queue.

John Crowley (2005, p. 153)

In recent decades, borders have changed marginally in Western Europe, dramatically and completely in Central and Eastern Europe. Mobile or immobile, individuals are the human face of these macro-shifts of power and cartography.

Adrian Favell and Randall Hansen (2002, p. 583)

2.1 Introduction

This chapter presents a review of the recent literature on borders and migration in the European Union. The past decade has witnessed a strong academic interest in migration in a Europe-wide context, initiated by closely related globalisation and security discourses and further intensified by the EU's recent eastward expansion. Legal experts, for example, have expressed their concern about the modes of and limits to the control of European social space for migration and mobility by the EU and its Member States, as well as the dynamics of territorial inclusion and exclusion raised by policy practice (Thränhardt & Miles, 1995; den Boer, 1995, 2002; Foucher, 1998; Kostakopoulou, 2000; Verstraete, 2001; Jileva, 2002; Mitsilegas, 2002; Amato, 2002; Pastore, 2002; Bigo, 1998, 2005; Guild, 2005a, 2005b; Guild & Bigo, 2002; Bigo & Guild, 2005). In general, this literature points to a fundamental 'contradiction between greater openness of internal borders and the reinforcement of controls at the external borders' (Foucher, 1998, p. 242). The internal borders of the EU have disappeared only to reappear for 'aliens': 'freedom of mobility for some could only be made possible through the organised exclusion of others forced to move around as illegal aliens, migrants, or refugees' (Verstraete,

2001, p. 29). Transitional restrictions with regard to the free movement of labour imposed upon citizens of new Member States are disapproved of as well: the EU is reproached for obliging new Member States to adopt the Schengen regime and its visa directives, thereby at the same time creating new divides in Central-Eastern Europe, and 'second-class' EU citizens (who are not free to move for work purposes) (Jileva, 2002).

The discontent with the various legal fields of tension complicating the harmonisation of migration policy, however appropriate, to some extent underexposes its geopolitical motives and implications. It has been argued, for example, that celebrations of 'global nomadism', free mobility and moral equality for nationals and non-nationals alike do not keep pace with policy practices of entry and control unfolding 'on the ground' (Jordan & Düvell, 2003; Favell & Hansen, 2002; Peixoto, 2002; Brown, 2002; Anderson & Bort, 2001; Foucher, 1998, Samers, 2004; Walters, 2002, 2004). In particular, two claims stand out here. The first is that the line between the state and the non-state in regulating migration issues is rather thin. Although the influence of market actors in migrant control and selection is not *de facto* rejected, the current literature abundantly describes and criticises the market-inspired managerial features of European migration policy (Walters & Haahr, 2005). The second claim is that spatially, these policy practices translate into a conception of the borders of the EU as networked power instruments used to control security risks and the risks posed by flexible capitalism at the same time (Mitchell, 2001; Sassen, 1996). In reviewing the literature that sustains these claims, I argue in this chapter that the management of borders and migration in the EU entails aspects of governmentality and territoriality that, together, find expression in the metaphor of the 'queue', literally a waiting line in a waiting space (Crowley, 2005).

I begin the chapter by briefly recapitulating the main leitmotifs of the various narratives of European migration policy. Sections 2.3 and 2.4 provide an in-depth discussion of the respective aspects of governmentality and territoriality identified in these policy narratives by the recent literature. Subsequently, section 2.5 aligns the macro-politics of leitmotifs to the micro-politics of queues: the metaphor of the 'queue' serves to summarise the institutional and geographical loci discussed in the previous sections. I conclude the chapter by defining a research agenda wherein the border is not only a critical metaphor, but indeed a theoretical lens relevant to the study of contemporary migration into and within the EU. In order to illustrate or

deepen the argumentation, I weave into the text observations with regard to the specific case of labour migration from new Member States to the Netherlands.

2.2 Leitmotifs of the narratives of European migration policy

At the time of writing, the ratification process of the European Constitution has stagnated, largely as a result of the 2005 French and Dutch referenda ‘No’ votes. For the time being, this stagnation has uncertain consequences for the transfer of migration policy issues to the supranational level. In the draft text of the Constitution, the abolition of the ‘pillar structure’, created by the Treaty of Maastricht, was foreseen. At present, EU policy-making is divided into three main areas or pillars. In each of these pillars, a different balance is struck between supranational and intergovernmental policy principles. The treaties of Amsterdam and Nice catalysed the transfer of migration-related issues from the third – or intergovernmental – pillar to the first, or community pillar (Kostakopoulou, 2000; Moraes, 2003; Amato, 2002). In the draft Constitution text, a further harmonisation of measures in the field of immigration and asylum, the rights of third-country nationals, external border controls and visas was laid down (European Convention, 2003).

This transfer (which for debatable reasons is often referred to as the ‘Europeanisation’ of migration policy) involves a number of parallel narratives, interconnected by definition yet each emphasising other aspects of European migration and asylum policy, namely global economic competition, border management, undocumented migration, and security issues. These narratives are elaborated in physically and thematically distinct centres of policy-making (normally the Directorates General) within the EC, the most important of which are the Internal Market and Services DG, Employment, Social Affairs and Equal Opportunities DG, Justice, Freedom and Security DG, Enlargement DG and External Relations DG. At the peril of oversimplifying the complexities of European migration policy (yet for the purposes of this chapter, without grievous loss of precision), the narratives are summarised under the headings of, first, *Internal Market policy* and, second, *external border management*.

Through the construction of an Internal Market (as arranged under the auspices of the first pillar), the EC aims to create a cohesive, internally borderless

economic space furnished to compete with the United States, Japan and – increasingly – Southeast Asia’s large, rapidly developing economies. In accordance with neoliberal market ideology as well as neoclassical economic theory, to this end institutional barriers to the flows of capital, labour, goods and services between Member States are slowly but surely brought down. However, in a series of documents reporting the progress of Internal Market policy, the Commission expresses its concern about major delays with regard to the flexibility of cross-national and cross-regional labour markets (EC, 2001, 2002a, 2004b). Only a very small share of the EU’s working population takes advantage of the opportunity to accept a job in another Member State with a minimum of bureaucratic obstacles.⁹ Forthcoming action plans and strategies to encourage occupational and geographical mobility on the Internal Market express a trust in the attraction of skilled, mobile workers from outside the EU (EC, 2002a, 2003a, 2003e). However, the case for a European economic migration policy is most explicitly formulated in the green paper *On an EU approach to managing economic migration*. This paper aims to instigate an EU-wide discussion about the actual degree of harmonisation to strive for (EC, 2004e):

... the need for a European strategic initiative is strengthened by the fact that, in its absence, migration flows are more likely to be able to bypass national rules and legislation. As a consequence, in the absence of common criteria for the admission of economic migrants, the number of third country citizens entering the EU illegally and without any guarantee of having a declared job – and thus of integrating in our societies – will grow. (EC, 2004e, p. 4)

The abolition of internal borders for factors of production (the ‘four freedoms’) and above all for labour mobility was accompanied by the strengthening of the external borders of the EU. Implemented by the Justice, Freedom and Security DG, the Schengen regime facilitates movement across the national borders within the Internal Market, while at the same time containing and guarding this economic space by means of external border management. Over time, Schengen has become strongly associated (if not synonymous) with the external border of the EU: its principal goals

⁹ Yet, at the same time, the right to freedom of labour for employees from the new Member States, many of whom wish to be mobile, has been put on hold by the national governments of some ‘old’ Member States until 2011 at the latest.

are the coordination of visa, work and residence regulations for non-EU citizens as well as the creation of a common asylum policy. The external border narrative (managed through Schengen) develops within the realm of the intergovernmental third pillar (*Police and Judicial Cooperation in Criminal Matters*), which targets drug trafficking, trafficking in human beings and organised crime. External border management is concerned with migration issues particularly in the sphere of illegal migration from non-EU states (or 'third countries'). The emphasis in the present policy proposals regarding illegal migration is on *return*: readmission agreements and other cooperation efforts on the part of third countries are leveraged by means of financial and technical assistance and, in very specific cases, economic development incentives (EC, 2002b; 2002c; 2003d).

Finally, timely concerns over internal security have strongly tied external border management and justice and home affairs in general to the EU's second pillar, *Common Foreign and Security Policy*, which aims to create an area of freedom, security and justice. Some say that the extent to which this integration takes place implies that European migration policy is 'securitising', and that similarly discursive, migrants are being 'criminalised' (Huysmans, 1995; 2000; Bigo, 1998; 2001; Kostakopoulou, 2000).

2.3 Aspects of governmentality: the managerial migration state

Spheres of governance in 'patchwork Europe'

Hence, the deepened economic and political integration of the EU over the past decade and a half, laid down in the respective treaties of Maastricht, Amsterdam and Nice, has contributed to important insides and outsides for various forms of migration. 'If there are as many Europes as pillars, this makes the task of defining frontiers very difficult,' Didier Bigo writes in reference to the somewhat floating position of the Justice, Freedom and Security DG within the pillar structure (Bigo, 1998, p. 152; see also Moraes, 2003). This lack of clarity, however, is illustrative of the variety of distinct spaces or spheres of governance produced through the complex institutionalisation of policy-making within the EU. Hudson (2000), in an article appropriately entitled 'One Europe or many?', elaborates on a number of these 'political-economic conceptions of Europe' (p. 414). The neoliberal

underpinnings of the European Internal Market, for instance, are in sharp contrast to the highly protectionist nature of the Common Agricultural Policy (CAP). The Internal Market produces another 'inside' and 'outside' than the European regional policy, which reaches beyond the external border through its concern with cross-border Euroregions and their governance, or than the Euro zone (Hudson, 2000; Walters, 2002; Smith, 1996). In a similar vein, Christiansen and Jørgensen (2000) call these spaces 'Monetary Europe', 'Trade Europe', 'Defence Europe' and 'Passport Europe', according to the governance domain of reference. Monica den Boer even speaks of 'patchwork Europe' in this respect (2002, p. 147).

What catches the eye here is that this reading of the contrasting policy narratives, namely focusing on governance, differs from the one proclaimed by the legal experts who emphasise the uneven assignment of rights and imposition of duties. The difference in readings reflects divergent analytical views of statehood. In political philosophical thinking, the notion of statehood is traditionally equated with territorial sovereignty (Crowley, 2005). The sovereign has the exclusive authority to enact laws on its territory, as well as the moral responsibility to ensure that these laws are just. When laws are obeyed, hence when people submit to the sovereign, sovereignty is exercised and the state is strengthened (Foucault, 1991; Crowley, 2005; Walters & Haahr, 2005). This means that the ultimate end of sovereignty is sovereignty itself. However, in his seminal work, Michel Foucault challenges this circularity, arguing that statehood carries with it a certain sensitivity to tactics, to the 'arrangement of things' (Foucault, 1991). Authority can also be maintained by opening up the black box that is the inside of the state (Walters & Haahr, 2005). The territorial interpretation of legal statehood is to some extent eroded by what Foucault calls 'governmentality':

When states negotiate with powerful corporate interests, conduct public-health campaigns using advertising techniques, and use various technical market-based instruments to steer the economy, they are not acting as 'sovereign' in any useful sense of the word. Yet much of what contemporary states routinely do is, precisely, either non-authoritative or non-legal, or both. This was the point of Foucault's notion of 'governmentality', which he counterposed to legal statehood, and resurfaces under a different guise, but with similar analytical implications, in the currently fashionable notion of 'governance'. (Crowley, 1995, pp. 146-147)

Over time, population has become an effective means with which to arrange things, to achieve specific ends. Indeed, the primacy of population appears in the various spheres of governance that make up 'patchwork Europe'. The adjectives 'monetary' and 'trade' allude to economic steering, and 'defence' to police, military and security apparatuses. 'Passport Europe' suggests that 'to those in political power, the control of territory now seems less important than the control of those who claim the right to move about within it' (Foucher, 1998, pp. 237-238). In many ways, therefore, the governmental state is also, and perhaps above all a managerial state (Crowley, 2005). Indeed, the term 'population management' has been coined to appropriately term the ultimate end of government (Foucault, 1991; Foucher, 1998; Walters, 2002). According to Foucault (1991), such management techniques as health care campaigns, public schooling and migration regulation, which target the increase of welfare of the native population, inevitably embody practices of discipline and control. The governmentalisation of Europe (Walters & Haahr, 2005) therefore evolves through the application of power technologies. In the case of migration regulation, as will be shown later on, these technologies reify at various territorial scales.

Market versus politics: the limits to state migration control

The global economic and political developments in the second half of the 20th century pose challenges to the regulation of migration by national states. These multifaceted challenges are eloquently summarised by Jordan and Düvell, who argue that 'new forms of global economic nomadism have outstripped the capacities of national migration management to adapt to the requirements of international capitalism' (2003, p. 87). In their view, 'global nomads' are pushed forward by ongoing worldwide economic restructuring and at the same time are driven towards the neoliberal collaborative projects currently being undertaken in the EU and elsewhere. Simultaneously, flexible labour demand is soaring, particularly in the high-skilled and low-skilled segments of national labour markets (Menz, 2002; Peixoto, 2002). Since migrant labourers are generally more flexible than native workers, the demand for their labour all but ceases (Sassen, 1988; 1996; Jordan, Stråth & Triandafyllidou, 2003a). In this global migration order with its obvious connections to post-Fordist flexible manufacturing, business outsourcing and business lobby, the state must continuously redevelop regulation for labour

migration. As a consequence, according to Jessop, a 'hollowing out of the state' is likely to occur (1994, p. 264). Hollowing out implies that the governing power of the national state lessens to the benefit and growth of supranational regimes, paving the way for the resurgence of regional and local governance. Also, translocal linkages emerge between governments at various spatial scales (Jessop, 1994).

For the specific case of European migration policy, this hypothesis is implicitly contradicted by Virginie Guiraudon, who argues that although indeed a 'denationalisation of migration control' is taking place, this does not necessarily mean that the state incurs a loss of authority (2000; 2001). The Member States cope with a growing dependency on the decisions of the European Court of Justice, and with an increased obligation to answer to supranational representative bodies such as the European Parliament. Having in many individual cases overruled state verdicts to deny access to would-be migrants or to expel asylum-seekers, these institutions have encouraged decision-making actors at the national level to seek new partners in order to retain dominantly restrictive migration policies. 'Transnational cooperation in the fields of immigration and asylum is increasingly taking on the characteristics of a multilevel governance regime' through the entry on stage of these partners (Guiraudon, 2001, p. 37). For currently in the EU, migration control shifts up, down and out in a fashion that has been called 'venue shopping' (Guiraudon, 2000, 2001; Lahav, 2000). When venue shopping, the state searches for alternative institutional loci to take over governmental and managerial functions.

Shifting up refers to the incorporation into policy frameworks of third countries (countries of origin and transit; compare Jessop's translocal linkages). Under the auspices of return or readmission agreements, third countries are urged to readmit people (Guiraudon, 2001). Also, customs agents are stationed at major transport hubs in these countries (Samers, 2004), and information films specifically made to discourage migration are distributed among their native resident population. These latter ways of seeking the assistance of third countries have been referred to as 'remote control' (Zolberg, 2003; Samers, 2004).

Responsibilities in terms of migration control are being shifted down as well, that is, they are being transferred to the subnational level. This concerns, for example, family reunification (*in casu* the prevention of bogus marriages) and the access by not legally residing immigrants to the welfare state. Also, local governments may be contracted to manage migration detention centres (Guiraudon, 2001). Comparative research on the implementation of national migration policies in

Greece, the UK, Italy and Germany has pointed out that the involved local administrators act as border guards, handling requests for work and residence permit as well as legalisation and insurance issues (Jordan, Stråth & Triandafyllidou, 2003a, 2003b). Balancing between an economic demand for flexible labour and nationalist desires to protect native workers, these migration managers have considerable discretionary power. Accounting for significant differences in implementation styles,¹⁰ immigrants generally are the 'weak users' of these administrative systems. Important considerations about difficult cases are made under great time pressure, tasks are prioritised, and practices of improvisation and favouritism are widespread (Jordan, Stråth & Triandafyllidou, 2003a). In short, the translation of policy imperatives 'into a bureaucratically streamlined algorithm' creates inequalities between applicant migrants, regardless of their eligibility for the requested privileges (Crowley, 2005, p. 155). These findings suggest that the functions of police forces and welfare agencies may converge when migration control is shifted down (Jordan, Stråth & Triandafyllidou, 2003a).

Thirdly, through shifting out, non-state actors emerge in migration control processes. This relates to, for example, the *de facto* transfer of authority to transport carriers, agreed upon at the European level, and to the development that individual employers in the Member States are increasingly being held responsible for the presence of illegal migrant labour at the workplace (Guiraudon, 2001; Lahav, 2000). Shifting out may imply that returns to capital are realised by the participating non-state actors. In her case study of the Belgian seaport of Zeebrugge, Verstraete (2001) reports about companies that specialise and invest in, and indeed gain from the production of technological devices that detect the presence of stowaways.

What is more, however, the current rent-seeking on the part of private firms in the EU also creates openings in dominantly restrictive policies. In the Netherlands, private labour market intermediaries circumvent the formally

¹⁰ Greek and British officials use their discretionary power in order to comply with business demands. The Greek pursuit of competitiveness coincides with a strong ethnic and class conception of nationhood, wherein discretion is open to discrimination and the cultivation of personal networks. In the UK, a strong emphasis on recruitment for the sake of global competitive advantage to some extent conceals actual discrimination. In Italy, migration management takes place within the realm of order maintenance, and is less concerned with business demands. Discretion in Germany, finally, is exercised in favour of the protection of native workers. The German administrative practices are perceived as relatively structured and regulated, and therefore potentially less adaptable to external circumstances (Jordan, Stråth & Triandafyllidou, 2003b).

restrictive labour migration policies towards citizens of new Member States. These intermediaries have an impressive stock of knowledge about legal procedures and the building of migrant recruitment networks in both the Netherlands and the home countries and regions. The freedom of services in the Internal Market has been another outstanding example of rent-seeking ever since the remarkable decision made by the European Court of Justice back in 1990 ‘which explicitly permitted the posting of workers from low-wage Portugal *within this framework of the provision of services*’ (Menz, 2002, p. 727; italics in original). The controversies over the ‘Bolkestein directive’, which formulates ways to further liberalise services in the Internal Market (EC, 2004a), largely focus on the expected, supposedly massive arrival of cheap labour from new Member States. Yet, the directive’s opponents overlook the many consultancy and legal firms that are already advising hiring firms about how to bypass restrictions on the freedom of labour precisely through freedom of services.

It is against the backdrop of these and similar examples, which clearly provide support for the hollowing out thesis, that the idea has been raised to rethink the role of non-state actors in academic discussions highlighting the governance of migration in a European context:

Scholarly reflection on these issues, however, has not kept pace with developments on the ground. Driven by a normative attentiveness to the negative and exclusionary aspects of both current governmental policies and hostile public opinion ... (Favell & Hansen, 2002, p. 581)

Developments on the ground are the reason that policy makers and policy implementers, who are struggling to meet populist anti-immigration sentiments, are unable to prevent large inflows of migrants who perform unskilled seasonal labour and increasingly also skilled work in various segments of the labour market. The legal justice debate, which was touched upon in the introductory section, to some extent ignores the market, swiftly becoming a co-author of the European migration scenario (Favell & Hansen, 2002). Moreover, some contributors to this debate run the risk of unjustly basing their arguments on the assumption that migration flows are ‘one-directional, permanent and irreversible’ (Jileva, 2002, p. 697). Venue shopping may encourage migrants to employ trial and error, hence to try first what they see as the most beneficial recruitment channels, implementation practices or

travel routes within or into the Member States, and to try elsewhere and otherwise if the preferred strategy fails (see also Peixoto, 2002). Rent-seeking may allow migrants to circulate between home and the country or countries of destination. Favell and Hansen (2002) argue that, by explicitly allowing market actors into migration selection processes, the EU and its Member States may create new opportunities for migration, whilst at the same time transferring to others governing authority over entry decisions.

Thus, it can be ascertained that the governmentality of migration in the EU currently qualifies as multilevel, denationalised and managerial, implying yet different realities of inclusion and exclusion than those created by official policy language. Whereas the idea behind venue shopping is to diffuse and rescale a dominantly restrictive, controlling approach to migration, rent-seeking by non-state actors can lead to new opportunities and indeed enabling strategies of entry that largely bypass or creatively use existing policy frameworks.

2.4 Aspects of territoriality: managing the space of the border

Risk management through spatial containment and networked spatiality

Notwithstanding these multifaceted dynamics, there has been an almost positivist desire to appropriately name, term and label the allegedly static nature of the EU's external border and the social space this border contains. Immigration and asylum issues have been used as a lens for this naming development, largely instigated by political and public debates. The two best-known concepts reflect a confrontation between those who expected the intensity of border controls at the external border of the enlarged EU to become excessive (Europe as a fortress) or insufficient (Europe as a sieve or maze) (Bigo, 1998; Brown, 2002). In general, academic literature has held a much more nuanced view vis-à-vis both of these extremes, although 'Maze/Sieve Europe' seems to attract more consent than 'Fortress Europe': controlling borders is so immensely time, money and resource consuming that a fortress-like external boundary is not feasible (Christiansen & Jørgensen; 2000; Bigo, 1998; Favell & Hansen, 2002). At best, the fortress resembles an asymmetrical, neo-medieval empire (Pastore, 2002; Zielonka, 2001) with characteristically overlapping

spheres of governance and concomitant ‘fuzzy borders’ (Christiansen, Petito & Tonra, 2000).

However, the territorial dimension of the Europeanisation of migration policy has invoked border metaphors that are much richer and much less static. Take for instance the notion of ‘Ban-opticon’, giving a contemporary twist to Foucault’s classic notion of the ‘Panopticon’ – the prison-like form of governmentality by which the modern society controls and disciplines the whole of its population. In the Ban-opticon, a space without equality of all under surveillance, it is not so much ‘the population’ that is managed as ‘the unease with possible harm done to the population’ (Bigo & Guild, 2005; Bigo, 2005). The identity of those who are thought likely to commit any such ‘next crime’ is traced, filed and distributed. Thus imagining different possible futures, proactive policing and, if needed, pre-emptive military strike is launched to prevent these next crimes from actually happening (Bigo, 2005). This concern with risk management requires particular ways of organising the space of the border (Walters, 2004). Reinterpreting a number of classic geopolitical border concepts, William Walters has identified these ways as ‘geostrategies’:

Drawing upon historical precedents and examples, geostrategies have the potential to offer a much more nuanced and topographical account of the production of geopolitical space in Europe than do concepts like fuzzy borders or Fortress Europe. (Walters, 2004, p. 693)

Of the four geostrategies Walters distinguishes, the first – the ‘limes’, meaning ‘boundary’ – goes all the way back to the 16th century and is now used to refer to the boundary of the Roman Empire, especially that in the north of Europe (Walters, 2004, Foucher, 1998). It refers to the relatively stable, quasi-permanent frontier that separates an empire-like power from its constitutive outside. In the south, the border of the EU resembles the limes: membership has explicitly been ruled out for the EU’s non-European partners there (see e.g. EC, 2003b).

The limes is closely related to the second geostrategy identified by Walters: that of the colonial frontier, offering a more discursive interpretation of the EU as an empire and surrounding third countries as its cultural other. Contrary to the limes, the colonial frontier is less fixed and more fluxed, as it is prone to changes in cultural identity and, above all, in the sociocultural features ascribed to identity by those

inside. Identity markers, in turn, are inextricably linked to the question where the European enlargement project will eventually end.

Whereas the limes and the colonial frontier still dominantly express spatial containment as a means to manage risk, the third and fourth geostrategies combined suggest a tendency towards networked spatiality. The geostrategy of the ‘march’ – once a neutral zone separating Roman from enemy powers and awaiting occupation by either one of them – has a ‘very long, historical association with Central and Eastern Europe’, too (Walters, 2004, p. 684). Already a buffer zone in the Versailles Treaty, and later during the Cold War, the region comprising the EU’s new Member States (the current candidate countries as well as Belarus, Moldova and Ukraine) now re-emerges as a ‘space in-between’ (p. 684), awaiting candidate membership, full-fledged membership, the application of Schengen and the coming into force of freedom of labour in the Internal Market. What is more, the geopolitical in-betweenness of the countries in East-Central Europe has become institutionalised in the European Neighbourhood Policy (EPN). In its Wider Europe Communication (2003), the EC explores far-reaching ideas with regard to the relations between the EU and nations on its eastern fringe (Russia and the above-mentioned Western Newly Independent States). In the Communication, these countries’ likely ineligibility for EU membership is positively phrased by expressing the aim to construct its ‘near abroad’ (Christiansen, Petito & Tonra, 2000) as ‘a zone of prosperity and a friendly neighbourhood – a “ring of friends”’ (EC, 2003b, p. 4). The movement of persons is one central element of the EPN. Explicit references are made to the future need for skilled labour due to ageing, globalisation and flexibilisation, conclusive readmission agreements in order to combat illegal and transit migration, and joint cooperation in the fields of human trafficking, organised crime and security matters (EC, 2003b).

The march can also be found at the micro-political level, namely at international airports and on the territories of municipalities across the Member States. On many occasions, the march here takes the form of fenced *zones d’attente* located in remote areas where people can do little else but wait. In these ‘spaces of indistinction’, be they refugee camps or migrant detention centres, one awaits transit, access to asylum procedures, the outcome of such procedures, or expulsion and return (see also Guild, 2005a). Sometimes, protective national jurisdiction does not apply: these spaces of indistinction have the legal status of an exclave (Walters, 2004).

These contemporary appearances of the march introduce the fourth geostrategy: the 'networked (non)border' (Walters, 2004). This concept aims to capture the changing spatiality of border control activities in the EU from physically concentrated at the border to country-internal networks of regulation and cooperation, implying a 'reconfiguring of the border from a space of lines and edges to one of nodes' (Walters, 2002, p. 577). Interconnected nodes and networks are complementing and even replacing controls enforced at the border proper: national territory is increasingly treated as an extended frontier zone, wherein border guarding is taken over by migration managers (Foucher, 1998). Upon entering the Netherlands, for instance, migrants and asylum-seekers access the 'migration chain', which is the name of an institutional network consisting of ministries, the immigration and naturalisation services, institutions responsible for the issuance of work permits as well as the aliens police. The immigration and naturalisation services within this Dutch chain also partake in the European Migration Network (EMN), a network of national contact points designated by the Member States with the objective to systematically collect and analyse migration data (EC, 2005). Other examples of the networked (non)border in the EU are networks of police and security forces that face networks of organised crime and human trafficking in strategic games or even openly fought battles (Walters, 2004).

In the Netherlands, the recruitment of migrant workers from new Member States by individual employers and private labour market intermediaries, often pursuing quasi-legal border circumvention strategies advised by consultancy and legal firms, are closely followed by the labour inspectorate. When the inspectorate suspects illegal employment as a result of this kind of rent-seeking, it takes the case to court and contends with specialised lawyers who represent the recruiting or employing party. In this way, migration control and indeed the very competence of defining 'legal foreign employment' are transferred to the space of the court. This case study also draws attention to the spatiality of 'labour pools' (a term used in human resource management): throughout the Netherlands, immigrant workers from new Member States find themselves waiting at campsites, callable whenever and wherever the market requires their input. This, again, is an example of the march.

With the variety of border spaces in the EU thus given conceptual impetus, the border proper emerges as an instrument of risk management. William Walters has pointed out that the Schengen border (meaning the external border created by the Schengen regime that is also to an important extent manifest within the EU) is a useful analytical lens through which to understand this instrumentality. Following a Foucauldian method of genealogy, according to Walters, the present exclusionary appearance of the Schengen border can be deconstructed in three different yet related development trajectories (2002). The first of these entails a classic geopolitical trajectory. The Schengen border clearly has not emerged from the physical confrontations between states that traditional geopolitics builds on for the explanation of border formation. Rather, its geopolitical moment is inscribed in discursive power hierarchies, with power being played out at the negotiating table. More specifically, it is argued here that the securitisation discourse that Schengen has come to represent is historically conditioned by prior processes of demilitarisation and economic integration in Western Europe, which aimed at improving geopolitical and economic security (Walters, 2002; Walters & Haahr, 2005).

The second trajectory is that of the national border, which is inextricably linked to national identity and the protection thereof. Contrary to the debates about EU enlargement, the security discourse constructs third-country nationals rather than third countries as cultural 'others', loosely associating illegal migration with crime and terrorism, and crime and terrorism with Islam and non-white (Walters, 2002; Verstraete, 2001). This corresponds to a more common, non-historicised way of explaining the securitisation of European migration policy as the outcome of 'us versus them' tensions (Huysmans, 1995, 2000; Kostakopoulou, 2000).

The forthcoming practices of discipline and control bear on the third trajectory, which deconstructs the Schengen border as 'biopolitical'. The border serves as an instrument of biopower, as 'a machine with an assortment of technologies, simple and complex, old and new' (Walters, 2002, p. 572). These technologies range from passports, visas, fingerprints and iris scans to the highly controversial bone scans introduced (and then withdrawn) in the Netherlands, by means of which the adulthood of asylum-seekers can be determined – a viable ground to deny access. They can be applied within demarcated nodes of the networked (non)border such as medical examination rooms, but are preferably

designed to check identities in ways that do not require legal residents to be touched or impeded (Bigo, 2005). Subsequently, immediate pre-emptive action to ban the unidentifiable is taken before it is 'too late' and 'the next crime' occurs. It is believed that technologies that monitor the future have the ability to control the present (Bigo, 2005). Yet, in doing so, it could be argued that they actually help to *produce* illegal immigration: the insides and outsides created in and by the various European migration policy narratives reify through private capital investments in border technology (Verstraete, 2001; Samers, 2004). Contemplating the fate of the stowaways detected in Zeebrugge, Verstraete conceptualises the production of the illegal migrant as follows:

Once the 'alien' is thus translated – objectified – within the parameters of physical science, once s/he is reduced to the generic polar electrical view of a heartbeat, another mode of polarisation comes into view, that of 'man' versus animal ... Along the way, the stowaway is reproduced along a set of Western cultural relations – man versus animal, the law versus the criminal, technology versus humans, movement versus location – that situate him/her at once inside and outside the capitalist nation, inside and outside European territory. S/he is, in one and the same breath, the target of the gun-shaped LifeGuard, of national security, of police officers, of Europe's external frontiers, and of global capital investment. (Verstraete, 2001, pp. 40-41)

Put differently, the alien's body is a '*geographical space* for circulating capital' (Mitchell, 2001, p. 51; italics in original).

These statements speak to a broader neo-Marxist argument that criticises globalisation and post-Fordist flexibilisation for weakening labour as a key means to create and add value (Comaroff & Comaroff, 2002). According to this argument, the traditional workplace – which provides stability in terms of income and entrenchment in local communities – is relocated or closed down. As a consequence, the migrant comes to resemble a zombie, a spectral figure whose speech is impaired due to unfamiliarity with the language of the receiving country, who is pushed away from shrinking national labour markets and pulled towards temporary job openings abroad (Comaroff & Comaroff, 2002). Public hostility, illegal employment and the inability to communicate render migrants invisible: they are territorially present but socially absent (Crowley, 2005). Their labour

degenerates into ghost labour. In such circumstances, the border is a 'revolving door' that invites people and pushes them back at the same time (Mitchell, 2001). However, the invisibility of migrants and migrant labour to some extent problematises the very notion of the border as a line of exclusion: what is absent cannot be excluded (Saybasili, 2004). In this view, the border is also a 'performative space', in the sense that only the apprehension of illegal migrants who attempt to cross it makes it real (Saybasili, 2004, p. 5).

In the first post-Wall years, migrant workers from new Member States in the Netherlands personified ghost labour, being subjected to acts of violence with regard to working, payment and housing conditions. These were the heydays of 'witch hunts': attempts by the labour inspectorate to catch illegal migrants red-handed while working in the open fields, pursuing people into nearby woods if necessary. Fortunately, today, recruitment and employment practices have improved. Labour migrants from new Member States are now increasingly visible in the Dutch landscape, working, consuming, being driven around by labour market intermediaries. In this respect, one could say that they constitute an almost ideal-type flexible European workforce: mobile, unbound to the employer and eager to return home once enough income has been earned. Hence, settings can change for the better: the border is always 'a political technology which records the balance of power *at a particular time in space*' (Bigo, 1998, p. 149; my emphasis). Nevertheless, illegal and quasi-legal employment remains, in this case and in the many other instances of labour migration in the EU. These migrants find themselves trapped in 'networks of violence', comprising the workplace, the country of origin and, of course, the border:

The border stands as the primary regulator of this system, the primary point of passage in the network of violence that drives migrant ... workers underground, and stigmatises them so thoroughly that their labour becomes ever cheaper, ever more pliable. (Mitchell, 2001, p. 57)

Although the territoriality of migration in the EU encompasses the whole of geostrategically developed administrative structures discussed above, on a more conceptual level this territoriality exists by virtue of uneven and sometimes physically offensive power relations between all the involved actors, state as well as non-state: migrants, employers, recruiters, human traffickers, migration managers,

the labour inspectorate, the aliens police, the border guards. In concluding this section, the border as a revolving door, a performative space and a political technology is not so much a barrier to migration, as an instrument by which risk is managed and capitalism is reproduced (see also Sassen, 1988).

2.5 The macro-politics of leitmotifs and the micro-politics of queues

The lack of progress in the transfer of migration-related issues to the community policy-making level, reflects an uneasy fusion between supranational attempts to foster freedom of movement and national struggles to prevent too great a loss of decisive power. As a consequence, other institutional sites emerge to take over the control of migration when the state has been or is likely to be hollowed out by the ‘Europeanisation’ of migration policy and the various appearances of global nomadism. Foucault’s memorable observations regarding the management of the population as the ultimate end of government come to mind here: present EU-wide concerns over internal security only reinforce the tendency to exercise discipline and control. This is the governmentality that currently characterises migration in the EU and to which the geopolitical border literature has given various names, most recently ‘the Ban-opticon’. The complex bureaucracies accompanying this governmentality have invoked a renewed attention for the territorial border spaces within which migration policies develop and are implemented. Notions such as the march and the networked (non)border are not new, for *zones d’attente*, monitoring institutions and welfare agencies concerned with migrants have existed in Western Europe’s managerial states for quite a while. Yet, these are the spaces where the collaborative efforts to achieve a maximum controllability of ‘next crimes’ and of flexible capitalism are now the most overtly and dramatically manifest, justifying their conceptual reuse. As power instruments, borders may discursively produce migrants as illegal migrants *and* as commodified bodies labouring under substandard conditions or being hunted down by innovations in biotechnology.

Drawing the threads together, it could be argued that the aspects of governmentality and territoriality reviewed in this chapter find expression in the metaphor of the ‘queue’ (Crowley, 2005). In the literal sense of the word, a queue is a line of people waiting in a waiting space. Migration chains are so complex that those passing through them may spend weeks, months or even years waiting. Final

decisions related to the acknowledgement or refusal of a specific status right, and hence about inclusion or exclusion, are amenable to randomness, subjectivity, prejudice, the nature of contacts with migration managers and erratic judgement resulting from the hasty allocation of resources. The management of queues can never be fair to everyone 'in any but the crudest sense' (Crowley, 2005, p. 154).¹¹ The anticipation of significant time delays may actually discourage otherwise eligible people from applying for work or residence permits and so on. Non-transparent and time consuming procedures to arrange insurance for migrant workers from new Member States in the Netherlands cause enormous frustration among both migrants and recruiting and employing parties.

The last few years have seen signs of increased coordination and cooperation between the various institutions (Parliament, Council, Commission, Directorates General) responsible for the production and implementation of European migration policy (Menz, 2002; Mitsilegas, 2002; Guild & Bigo, 2002). Although the mobilisation of the EU's 'native' workforce is still set as the primary goal, the content of the narratives is shifting towards an increased inclusion of third-country nationals in the Internal Market. Here, Justice, Freedom and Security DG becomes a key connecting institution: the two policy areas that are presently in the making (the 'four freedoms' area and the area of freedom, security and justice) both rely on the Schengen regime as the main implementation strategy. The endeavours to integrate all migration-related issues into a European policy-making context have certainly blurred the sharply articulated and contrasting leitmotifs of openness versus closure of EU social space as discerned in the Internal Market and external border narratives. Also, EU policies in the fields of services liberalisation and external relations (neighbourhood), as well as private capital, were shown to have a constitutive role to play in the geopolitics behind the contrasting policy narratives.

In mid 2004, the EC released a remarkable study on the links between legal and illegal migration, querying:

¹¹ 'Queuing theory', a subfield in econometrics, studies the mathematics of waiting lines. It constructs mathematic models so as to minimise waiting times, given that the positions of subjects or objects in the queue are arbitrary. Queuing theory has applications foremost in logistics and transport: on a less abstract level, the organisation of labour pools for flexible migrant workers could qualify as an application too.

... for the first time at EU level, whether or not legal avenues for the admission of migrants reduce incentives for illegal migration and, more specifically, to what extent policy on legal migration has an impact, first on the flows of illegal migrants and then on cooperation with third countries in fighting against illegal migration. (EC, 2004c, p. 3)

In the study, the Commission explores the impact¹² of visa policies as well as bilateral labour and readmission agreements between the Member States and third countries on illegal migration. It cautiously concludes that 'the current limits of the measures in place to manage the existing channels for legal immigration' are in sight regarding the large number of people illegally working and residing in the EU (EC, 2004c, p. 9). Even though the study was carried out within a short period and its results are therefore rather superficial, it can be read as an acknowledgement of the discursive exclusionary potential of prevailing migration policy narratives.

Yet, in welcoming this step, it can also be ascertained that the Commission's argument is founded on two problematic binary distinctions. First, the assumed discrimination between legal and illegal migration ignores the quasi-legal or 'hybrid' arrangements (Samers, 2003, p. 571) by which state borders or labour market restrictions are circumvented. Particularly since these rent-seeking activities accommodate strong economic demands for flexible labour, a certain degree of hollowing out seems difficult to avoid. The examples quoted on these pages underline the heterogeneity of the actors involved in migrant control and selection, featuring the market indirectly through business pressures, responded to by migration managers, and directly through the interference of rent-seekers (see also Guild, 2005b). Second, the Commission unjustly assumes that policy-making ends where policy implementation begins, underestimating the discretionary power of migration managers (Jordan, Stråth & Triandafyllidou, 2003a; Crowley, 2005). In addition to the insides and outsides produced by the leitmotifs of the official policy narratives unfolding at the supranational level, the micro-politics of queues are crucial in understanding the management of borders and migration in the EU.

¹² According to Sassen, this impact is always likely to have a 'zero-sum' character: 'if a government closes one kind of entry category, recent history shows that numbers will increase in another' (1996, p. 74).

2.6 Conclusion

I started this chapter by referring to the long-standing discussion on the legal dimensions of European migration policy and the practices of control and strategic selection associated with it. Without denying the intrinsic importance of closely watching issues of legal equality, it could be argued that overly focused attention on issues of legal justice underexposes the geopolitical motives and implications of this form of European integration. Literature that has taken on and deepened this perspective in recent years was brought together in this chapter under the headings of governmentality and territoriality. The analytical lens of borders has raised a number of powerful metaphors denoting where, that is at what institutional and geographical loci, the European migration scenario is being outlined. As today it seems hardly possible to imagine this scenario without managerial migration states and migration managers, the management of the 'queue', of the waiting line in the waiting space, proves a surprisingly functional micro-political bordering instrument to control global economic and security risks.

Having reviewed these conceptualisations, some have argued to excavate the geopolitics of migration in the EU even further. Most importantly, pleas are made to rethink 'the more fundamental labour market dynamics' underpinning the expectations that the capacities of migration management are 'outstripped' or that its 'current limits' are in sight (Favell & Hansen, 2002, p. 597; Jordan & Düvell, 2003; EC, 2004c; Peixoto, 2002). The issue alluded to in the previous section, namely that common ways to interpret legal and illegal migration and policy-making and implementation should not be taken at face value, can perhaps be more effectively addressed by neoliberal and neo-Marxist theoretical insights (Favell & Hansen, 2002; Samers, 2003). Within these theoretical frameworks, reflections on migration control and migrant selectivity are approached from the stance that non-state demand actors, hence the market, matter in steering these processes. Whereas neoliberal insights may remind us of some of the more normative objections to borders as barriers hindering mobility, neo-Marxist accounts impress upon us their weakening power. Although refraining from a deterministic political economy of migration, such inquiry 'must recognize its spectre' (Samers, 2003, p. 575).

This in turn would have implications for the analytical tool that is the border. The literature reviewed in this chapter mobilised the border first of all as a metaphor, thereby hoping to impress the exclusionary nature of spatial containment

and alternative modes of control lastingly into the memory of its readership.¹³ In doing so, parts of this literature made a valuable contribution to the critical reading of the dynamics of borders and border spaces. However, the border offers a theoretical lens as well. Although the ratification process of the European Constitution was formally halted by just two Member States, reluctance to transfer decision-making authority in general and migration-related issues in particular to the supranational level exists in *all* Member States. It is desirable that future research inquiring this reluctance should entail ‘a large dose of post-rationality and post-functionalism’ (ibid.). This includes, for instance, the discretionary powers irrationalising policy implementation touched upon in this chapter. It also includes mounting concerns over security and employment issues, despite or thanks to efforts to calculate and assess risks, and perceived threats to national identity. Within border studies, ‘tangible’ institutional and territorial boundaries are theorised as reifications of largely ‘intangible’ processes of discursive differentiation. The phased inclusion of labour migrants from the EU’s newest Member States in the Internal Market, caused by intense fears of mass inflows of cheap labour and fuelling creative border circumvention strategies, constitutes a timely and promising case study to examine through this theoretical lens.

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¹³ The EU, too, has embraced the academic study of borders in its Fifth and Sixth Framework Programmes. Mutli-year research projects with appealing names have been/are: EXLINEA (Lines of Exclusion as Arenas of Cooperation), CHALLENGE (Changing Landscape of European Liberty and Security) and EU DIMENSIONS (Local Dimensions of a Wider European Neighbourhood).

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The previous chapter featured literature that queries where and how borders and migration in the EU, of which the transitional restrictions with regard to citizens of the new Member States are a special case, are managed. The thesis continues with a chapter that offers a more normative reading of this general issue. Based on the arguments brought forward in economic protectionist literature, by critical geographers and by liberal philosophers, and extending this argument by means of psychoanalytical work, the aim of this chapter is to provide an insight into the question why, again generally speaking, borders against migration are there.

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Chapter 3

The European Union as a gated community: a two-faced border and migration regime

Living is easy with eyes closed
Misunderstanding all you see
Nothing is real, and nothing to get hung about
Strawberry fields forever.
The Beatles (1967)

Such a pretty house
Such a pretty garden
No alarms and no surprises
Please.
Radiohead (1997)

3.1 Introduction

Over the course of time, but especially since the creation of the Internal Market, the European Union has modernised its migration policies by specifically focusing on containing asylum-seekers, aggressively fighting illegal migration and extending European migration policy into countries of origin and transit.¹⁴ The result of this renewed border policy has been an intensified closing, fortifying and policing of the EU's external borders. At the same time, however, in sharp contrast to this policy of closing the door to some migrants from outside the EU, the borders of Member States are increasingly being selectively opened up to various migrant workers from third countries in order to bypass a growing scarcity of temporary, as well as permanent, labour in these Member States. This need for more economic migration

¹⁴ Moreover, development aid is increasingly tied to agreements obligating these 'third countries' to take back illegal migrants, and non-EU states are being encouraged to control emigration more strictly. Also, as part of the European Neighbourhood Programme (ENP), practically all third countries bordering the EU are financially assisted to reinforce their border controls.

in the immediate future has recently been communicated overtly by the European Commission (EC, 2000; 2003; 2005). Combined, these two faces of European migration policy – that is, the simultaneous attraction of economically valuable migrants and the rejection of allegedly market-redundant migrants – are inherently contrasting and incredibly difficult to sustain, let alone manage.

In this chapter, we argue that the key term that can be used to connect and elucidate the above-pictured paradoxical and bifurcated EU policy is ‘protection’ (see also Hiebert, 2003; Engelen, 2003; Jordan & Düvell, 2003). In particular, we argue that by critically using the concept of protection, starting from its original economic interpretation, could well prove insightful in understanding why and how the EU wishes to protect itself from the ‘unwanted’ immigration of ‘fortune-seekers’, and what really is protected on the inside when these unwanted migrants are kept on the outside. To this end, we argue that in understanding the historical and political foundations of the current protective migration policies, we need to reflect further on a fear that permeates all the Member States: namely the fear of losing the ‘comfort zone’, which entails the fear of losing economic welfare, public security and social identity. Against this backdrop of fear, we state that the well-known image and metaphor of a hermetically sealed ‘Fortress Europe’ is erroneous, as the EU is in fact open to strategically selected migrants who are attracted in order to increase the level of comfort. Instead, we evoke the image and representation of a gated community. Because, as is the case in the current border-management of the EU, in a gated community the current capitalistic lifestyle of comfort is protected and propagated at high material and social costs. We subsequently argue that whereas harsh realities of a hostile world outside are imagined to evaporate in gated communities, they continue to haunt the fears of those inside. Fear of migrants will not be allayed by protection, which makes the present border politics of the EU seriously questionable.

3.2 The oppressive desire to protect

Protection has long been a central topic of study within mainstream economics and specifically within the dominant framework of neoclassical economic trade theory. In these academic domains, protection is principally understood as a government policy response to the presumed harmful effects on welfare of open borders. Allegedly,

open borders, and thus free trade in capital, labour, goods and services, cause a welfare transfer from the importing country to the exporting countries – to the detriment of the national economy and its producers. Therefore, states often wish to impose protective measures to shield their firms, particularly those in newly emerged, ‘infant’ industries, from harsh export competition (Krugman & Obstfeld, 1997). Neoclassical economic trade theory, however, has time and again demonstrated that protection in the form of tariff walls and quotas instead of open borders and free trade is inefficient in terms of welfare distribution effects. Drawing on Ricardo’s and Heckscher-Olin’s seminal ideas regarding the allocation of production factors according to comparative advantage, the various neoclassical protection models show that in many cases and certainly in the case of small economies, which are unable to influence world prices, loss will exceed gain (Krugman & Obstfeld, 1997). It is for this very reason that the EU decided in 1988 to launch the institutionalisation of an Internal Market, which featured the opening of the borders among its members in order to facilitate the free flow of capital, goods, services and, most controversially, labour.

Moreover, in political philosophy, especially in the liberal corners of this academic domain, the stance on protection through state bordering is increasingly outspoken. Some liberal political theorists and cosmopolitan thinkers convincingly argue that state borders generate contradictions with regard to the principle of equality amongst individuals and freedom of movement (Carens, 1987, 1996; Dummett, 2001; Harris, 2002; Hayter, 2000, 2001). By the same token, the liberal philosopher Will Kymlicka (2001) argues that state borders are:

... a source of embarrassment for liberals of all stripes, at least if these boundaries prevent individuals from moving freely, and living, working and voting in whatever part of the globe they see fit. (p. 249) ... Any political theory which has nothing to say about these questions is seriously flawed. Moreover, the result, intentional or unintentional, is to tacitly support the conservative view that existing boundaries and restrictive membership are sacrosanct. (p. 253)

The openness of state borders has become a topic of debate also in critical/radical geography. In a special issue of *ACME* (the international e-journal for critical geographies) that appeared in 2003, Harald Bauder argued that from the viewpoint

of equal economic opportunity and global justice, the idea of international migration controls is not sustainable. He calls for a more imaginative way of thinking where the regulation of the international movement of people is concerned. In response to Bauder's piece in the same journal, Frank Düvell argues that 'Immigration regimes are not only unjust, they also create as many problems as they claim to solve' (p. 203). Similarly, Michael Samers, in his response to Bauder, provocatively asks whether we are still haunted by the Hobbesian ghosts of national states. He calls for a non-teleological imagination of a global society (p. 216). He suggests opening the borders for the sake of creating equal economic opportunity while at the same time creating a global central state in order to support those who are physically or emotionally not able or willing to move. Likewise, in a recent article in *Antipode*, geographer Nick Megoran called for the rephrasing of arguments supporting the case for ending migration controls (Megoran, 2005). Elsewhere, Jordan and Düvell (2003) propose a cosmopolitan economic membership system: new forms of 'global economic nomadism' require a redefinition of citizenship beyond national borders that involves shared duties for those who have access, and rights for those who remain on the outside. In addition, radical activist movements, such as the 'No Border Network' and the 'No One Is Illegal' movement – both of which are growing in size and influence – are adamantly pleading for the abolition of border controls.

Yet, at the same time, as Samers (2003) points out, despite the rise of these liberal and critical voices that argue for the opening of borders, there is no existing liberal state where in effect liberal democracy is combined with the full freedom of movement. What is more, it could be argued that in recent years policies concerning immigration and asylum have become both more restrictive and 'deeply political' (Hiebert, 2003, p. 189; Preston, 2003; Sassen, 2002). The new world order shows a tendency towards more exclusive and authoritarian migration regimes instead of, for example, 'taking advantage of the historical opportunity to extend liberal freedoms' (Düvell, 2003, p. 201). What is illustrative is that over the last years, issues of immigration and minority integration have topped political agendas and media headlines in all Member States, thereby contributing to a dominant rhetoric that wishes to oppose the self-made 'straw man' that represents the multicultural society. Current political forces have expressed a key interest in controlling the numbers of 'redundant' and allegedly difficult to integrate 'non-Western' migrants and refugees in order to preserve social cohesion and protect national labour markets within European borders. It has reached a point that a decrease in the number of

asylum-seekers is now viewed as a success. This has resulted in a policy that is so focused on a strict border regime and on assimilation, that the migration motives of those who want to enter the EU are merely being categorised into productive/unproductive, friendly/fiendish and good/bad, with the direct dichotomous consequence of being allowed entry or not. In addition, over the past few years, these debates on the pros and cons of free labour mobility have increasingly become subordinate in the European sphere to what Huysmans and others call the 'securitisation' of migration issues (Huysmans, 2000). Although there is no proof whatsoever of a connection between labour market migration and terrorism, it can be ascertained that the post-9/11 (attacks in New York and Washington), post-3/11 (attacks in and around Madrid) and post-7/7 (attacks in London) anxieties over global terrorism and security issues have led to the construction of a very restrictive common labour migration and asylum policy. Although not all leaders at the supranational and national levels pursue security-obsessed agendas, it almost goes without saying that perceived bodily danger and physical harm are among the clearest, and hence best politicisable objects fear can possibly possess. In the words of Falah and Newman:

Leaders are successful in uniting the people around security matters more than any other issue – essentially because the appeal to national security is related directly to the issue of protection against a dangerous enemy and involves the physical survival of one's family, friends and nation. The national threat is translated to reality at the micrological level. (Falah & Newman, 1995, p. 694)

One important impetus that accounts for the recent move towards constructing a more protectionist policy at the European level is the burning desire to conserve what is seen as pure national identity. In individual Member States, this identity politics has found new sociopolitical outlets and performances, thereby often creating a new, normative vocabulary. It could be argued that the pressing and even disciplinary discourse on the need to 'communitise' – which is expressed in such terms as 'European Union', 'Europeanisation', 'Member States', 'ring of friends', 'Wider Europe', 'Internal Market', 'borderless Europe' and 'European citizenship' – has merely reinforced this state of abnormality, portrayed by the people living outside the EU and by the non-EU migrants seeking jobs or looking for shelter inside

the EU. By the same token, there has been a constant search to find the appropriate definition for the non-insiders, the people from outside. Many terms have been used, such as guest workers, strangers, aliens, foreigners, newcomers, fortune-seekers and, in the Dutch context, *allochtonen*, to name but a few. What is common in this naming game is that migrants from outside the EU have increasingly become subjected to protectionist disciplining in the name of welfare, security and identity. In doing so, the EU is increasingly following a modernist logic of bordering and ordering, one that much resembles the colonial mind-set that involves the making of a divisive order between the self-claimed illuminated, enlightened beacon and an external world of chaos and darkness. The community thereby defines itself to be the good life, thereby reifying figures of societal difference and danger, such as the criminal, the terrorist, the invading enemy, the *xenos*, the migrant (Huysmans, 2000). The 'normal' ones are those born in the 'normal' fabric of the so-called European culture and believed to be a product of an imagined and invented European and culturally homogeneous civilisation and enlightenment, which is placed in contrast to the 'deviant', the non-native, the immigrant, the one born outside Europe (Jenkins, 1996; Benhabib, 1996). In the present context, and especially since 9/11, the 'deviant Other' is often the Muslim migrant, who is generally depicted as a stranger coming from a pre- or even anti-modern society, a world of darkness (see also Balibar & Wallerstein, 1991; Derrida, 1998; Sibley, 1995).

By attempting to invent and appeal to a uniform European civilisation and identity as opposed to 'other' civilisations, and by dividing the world into members and non-members – which is what the EU is doing – exclusivity is not seen as a problem but as something that is believed to be necessary, logical and something to be proud of, a political goal worth striving for. The consequences of having such exclusionary politics is that the 'world outside' is constructed as a collective identity, be it termed non-members or strangers, and as different, as something that is potentially threatening the imagined pure and authentic community and tradition. It is this idea of home and strangeness, order and disorder, and purity and impurity (Bauman, 1997; Sibley, 1995) that is becoming increasingly evident in the current migration policies in the EU. The deviants, the immigrants, are increasingly subjected to modernistic assimilation programmes. To that end, they are biopolitically counted, listed, disciplined, monitored and tested. What is illustrative of such biopolitical classification of the origins of people in the world is the current

use of official statistics by some governments. In the Netherlands, for instance, the official bureau for statistics (Statistics Netherlands) is making a remarkable and bothersome distinction between ‘nationals’, ‘aliens’ and ‘aliens from non-Western countries’. Another dubious listing practice can be found in the list of third countries the nationals of which must be in possession of a visa before entering the EU (Council Regulation EC n539/2001, later modified by Regulations n2414/2001 and n453/2003). Here, mainly Muslim countries are listed, thereby singling out these countries as being culturally different. For immigrants from these countries, most Western European countries now have a citizenship and/or national loyalty test, by which the assimilation potential of the immigrant is tested before he/she can acquire a residence permit.

3.3 The fear of becoming overwhelmed

In a sense, what the EU is doing, via its modernistic exclusion and fear-invoking politics, is constructing and protecting what is currently regarded as the own internal space of *Heimlichkeit*, or the feeling of being at ease, at home. Protection principally concerns comfort, which is an interpretation and extension of the concept of ‘easiness’¹⁵ (see also van Houtum, 2003). The Other, the stranger, is seen as confusing the insider by bringing uneasiness and distorting the feeling of being at home. The psychoanalyst Jacques Lacan eloquently explained that the fear of discomfort and uneasiness stems from the perception of being overwhelmed by nameless but potentially large flows, hordes, masses and streams of the Other that threaten to negate, delete and empty the own and known world (Lacan, 2004; see also Harari, 2001). This nothingness is perceived as being overwhelming in the sense that it reveals a lack of space for oneself, a space to realise one’s own desires (in terms of economic welfare, public security and social identity). According to Lacan (2004), when *le manque vient à manquer* (‘the lack is lacking’), when there is too much presence of the new and the unknown at too close a range, then there is *angustia* (anxiety). It is this nothing that tightens, oppresses the Self and the material resources of the Self. *Es ist einem unheimlich*; one feels uneasy, not at home. The constructed and imagined Self and the resources of the Self represent the stronghold

³ The Latin word *comfortare* means ‘to strengthen’, ‘to ease’.

of the Self. When the nothing threatens to replace this unfulfilled Self, blurring the difference between the inside and outside so that one becomes a nobody amongst everybody, the counterbalancing strategy will often be a distance creation, a rebordering, a strengthening of the imagined unity of the Self, of the border around the Self and the resources that support it. Hence, a border is basically saying 'Keep your distance'. As a result, a concrete reality – that is, the presence of the Other, the Immigrant – is created to symbolise, to objectify and to use as a scapegoat for the threatening unveiling of the emptiness (*vide*, Lacan, 2004). The political imagination and construction of hordes and masses of the Other is, as Sibley calls it, a 'colonisation' of social life (Sibley, 1995).

Accordingly, the current spatial imaginative bordering process of the EU rests upon the colonisation of 'friends' as members or associated members (Bauman, 1990), among whom common assets of knowledge and wealth are constructed and distributed. Residential rights are granted to the Other only if such an extension of rights does not threaten the existing order (Bauman, 1990). The identity of strangers is therefore usually not their choice (see also Bradley, 1997; Miller, 1995): they are valued on the basis of their other country of birth, colour, creed, religion or culture (see also Urry, 2000), and must adjust to the dominant culture if they wish to be included. The European society, as Bauman has argued, thereby 'produces its own kind of strangers' (Bauman, 1997, p. 17). The consequence is increased anxiety about and fear of the Other; or in the words of Sibley, 'a moral panic' is produced, which in his view concerns 'contested spaces, liminal zones which hostile communities intend on eliminating by appropriating such spaces for themselves and excluding the offending other' (Sibley, 1995, p. 39). The inhabitants of the imagined *terra incognita* surrounding the insulating EU are the politically invoked new barbarians from a world outside who are undesirable, the imagined cause of many societal problems and hence, they are denied access.

Illustratively, after its most recent enlargement in 2004, most Western Member States feared being 'invaded' by cheaper labour forces from the new CEE Member States and therefore imposed transitional labour market entry restrictions.¹⁶ This protection of the own economy was in sharp contrast to one of the most basic

¹⁶ The July 2003 edition of the *Eurobarometer* shows that no less than 62% of the respondents feared an invasion of citizens from new Member States. Eurobarometer public opinion surveys are conducted each spring and autumn by the European Commission and consist of identical sets of questions submitted to representative samples of the population aged 15 years or older in each Member State.

ideological principles of the Internal Market, that is, free movement. The fear that constituted the protection, and hence the abolition of free movement, indicated the fear of becoming overwhelmed by strangers, to be *überfremdet*. This embracing of fear in which the EU currently finds itself trapped, has largely been instigated bottom-up, that is, by the various Member States. Just as protection in the realm of foreign trade is by definition connected to domestic industrial and regional policies, over the last few years strong national ‘elective affinities’ have emerged in the EU between immigration policies and those addressing integration and labour market issues (Engelen, 2003, p. 504). There is a strong political will to retain national sovereignty over immigration and asylum issues. Despite this unusually powerful and often populist new language of protection, the fear of immigrants across the EU is generally not grounded in a thorough awareness of the global migration developments throughout the world. For despite the often-used rhetoric of hordes and masses, the EU is only ‘receiving’ a fraction of the total population of refugees or people who are on the move. But this has not lessened the moral panic that is so significant in the current political landscape of the EU.

3.4 Selective protection through stratification

The consequences of the above-mentioned desire for comfort protection are increasingly drastic and sometimes even horrific. For over the years there has been a drastic increase in the militarisation of the external border of the EU, even to the point where attempts to remain unseen or to escape from the hunt and chase by border guards has led to the deaths of would-be immigrants. The Member States are apparently willing to take protectionism as far as making the external border literally a ‘deadline’ by criminalising the lives of those who are trying to find work or shelter in the EU. Hideously, their deaths are implicitly seen as the ‘collateral damage’ of a combat against illegal migration. These are the ‘wasted lives’, as Bauman recently described them (Bauman, 2004). The October 2005 fire in a detention centre for unauthorised immigrants at Amsterdam’s Schiphol Airport is but one of the many tragic stories of ‘death at the border’. Eleven unauthorised immigrants, who were on the verge of being deported from the Netherlands, died in the flames. This detention centre is characteristic of the often hastily built camps for illegalised migrants that are present in the current geopolitical landscape of the EU. These are the ‘spaces of

exception' for today's *homo sacer* – he/she who is stripped of citizenship rights (Agamben, 1997). Although there may not be a consensus over who is to blame for the several thousands of deaths at the border (Sassen, 2002),¹⁷ the fact remains that these people died awaiting entry to or deportation from the EU; they died in the 'waiting room'. Meanwhile, those who manage to survive the game of Russian roulette at the border enter a dense web of immigration policies that lacks clarity and consistency. It is no wonder, then, that to many the EU resembles a fortress.

Yet, we argue that this image of a fortress is increasingly untenable. For the images of people dying at the gates of the EU, which would indeed fit in with the idea of a fortress, are in sharp contrast to the acquisition policies that pertain to economically valuable, allegedly scarce forms of labour. The national economies in the EU anxiously try to incorporate specific labour migrants. In one of her earlier writings on global capitalism, Saskia Sassen phrases this intrinsically political nature of economic borders as follows:

National boundaries do not act as barriers so much as mechanisms reproducing the system through the international division of labor ... Border enforcement is a mechanism facilitating the extraction of cheap labour by assigning criminal status to a segment of the working class – illegal immigrants. Foreign workers undermine a nation's working class when the state renders foreigners socially and politically powerless. At the same time, border enforcement meets the demands of organised labour in the labor-receiving country insofar as it presumes to protect native workers. Yet *selective* enforcement of policies can circumvent general border policies and protect the interests of economic sectors relying on immigrant labor. (Sassen, 1988, pp. 36-37; our emphasis)

The often populist fears and the forthcoming measures against unsolicited, so-called redundancy are at odds with current pressures to open up the border partially, temporarily, in a phased manner or fully. Many European states are simultaneously coping with structural shortages of specific knowledge or skills and an ageing active workforce. Persistent shortages of knowledge and skills and a forthcoming economic demand for those in possession thereof are made explicit in expansionary visa, work

¹⁷ The two Dutch ministers responsible for the detention centre accepted that they had failed in properly protecting the immigrants and resigned their posts.

and residence policies that target migrant workers from outside the EU. These policies have taken on the form of a race for the fittest, a 'battle for gains and brains', with nationally different regulations (de Lange et al., 2003). Germany, for example, has put in place a green card system directed at information technology specialists. Less explicitly formulated, but following a similar logic, the Netherlands relies on a fast-track work permit procedure enabling highly-skilled foreigners to bypass bureaucracy. Yet, both Germany and the Netherlands are conservative when extending the length of stay. Spain, by contrast, uses a quota system to control the entry of migrants of all skills, but grants migrant workers freedom of movement on the domestic labour market after only one year. The UK recruits managerial and entrepreneurial talent via its Highly Skilled Migrant Programme.¹⁸ This programme is exceptional in the sense that it is supply-induced: applicants are assessed on the basis of a point system (de Lange et al., 2003). Common to all recruitment regimes is that top managers, engineers, PhD students, soccer players and the like from 'third' countries are strategically selected by corporations, universities and/or football clubs. In addition, under the auspices of bilateral agreements, temporary labour market access is granted to seasonal workers in agriculture or construction (EC, 2004).

Hence, in contrast to the anti-redundancy and anti-burden politics that applies to asylum-seekers, 'fortune-seekers' and illegal immigrants, some migrants are seen as valuable assets, who are most welcome on national labour markets in order to gain or sustain national competitive advantage. This development is received positively by the most recent policy documentation reporting on the implementation of the European Internal Market strategy. In its 'On a Community Immigration Policy' strategy paper (EC, 2000), the Commission expressed its trust in what is called 'replacement migration' (migrant labour replacing ageing domestic labour forces) in the near future. Three years later, the Commission explicitly spoke of an economic and demographic challenge alongside the challenge of immigrant and minority integration in the EU (EC, 2003). And in 2005, the 'On an EU Approach to Managing Economic Migration' Green Paper argues, although still circumspectly, for a more harmonised system of fast-track migration and green cards for the EU as a whole. In defence of such a system, Franco Frattini, the EU's Justice, Freedom and

¹⁸ The UK joined Ireland and Sweden in 2004 as one of the only three old Member States that decided not to restrict the freedom of movement for citizens of new Member States.

Security Commissioner, argued in a 2004 interview, that 'For the first time Europe is facing not a threat but a possible opportunity to manage in a coherent manner the important phenomenon that is economic migration. We need a new strategy' (quoted in the *Financial Times*, 13 December). So, those who fall into the category 'high competence to assimilate' or 'high potential for an added value to a country' will be evaluated according to their economic need. To that end, the Commission proposes the use of an 'economic needs test' by the Member States. Interestingly, this test is to be applied to 'not necessarily only highly qualified' migrants (EC, 2005, p. 5). In this regard, it is not surprising that the borders of the EU have come to stand for a bifurcated migration policy. This bifurcation could, according to Bauman, be taken as a metaphor for a newly emerged stratification:

... it is now the 'access to global mobility' which has been raised to the topmost rank among the stratifying factors. It also reveals the global dimension of all privilege and deprivation, however local. Some of us enjoy the new freedom of movement *sans papiers*. Some others are not allowed to stay put for the same reason. (Bauman, 1998, p. 88)

Stratification – or 'civic stratification' in the words of Lydia Morris – is a generic term for the range of immigration statuses that is created by the differentiation of rights regarding employment, asylum, residence, naturalisation and family reunification (Morris, 2002; see also Joppke, 2005). By virtue of these statuses, the chances of strangers being allowed to play a role in the arena are higher when their estimated wealth and employment effects are net-positive and/or when they are perceived as being easy and safe to assimilate into the society. In such stratified surroundings, market-driven migrant selectivity is irrevocably becoming a major determinant of migration flows in the EU and its Internal Market (Favell & Hansen, 2002). This is an illustration of what could be called a 'commodification' of migrants, by which we imply the tendency to label human beings as human resources or human capital and, accordingly, to 'scan' migrants as though they were a commodity in order to determine their value, their worth and the danger they pose to a community when 'importing' them. In this respect, Slavoj Žižek speaks of a 'depoliticisation' of European politics, wherein a consensus about the need to strive for economic success, efficiency and efficacy reduces the role of European migration policy to a mere administrative one, defining and installing procedures and networks

of passage (Žižek, 1998; see also Deichmann et al., 2002). Such protection of the national interest and identity (to be amongst 'one's own'), and of gained wealth is a clear expression of collective self-interest of the community of human beings who call each other a 'member' of a club, in this case the EU (Ugur, 1995, 2004; Hiebert, 2003). Club membership offers a lifestyle of easiness, securing the members' comfortable position in the Internal Market because true job competitors are denied access and talented outsiders are conditionally channelled through or conveniently not noticed in order to make up for an incompleteness, a lack, an insatiable desire for more unity and comfort.

Consequently, what we see happening is that the fortification efforts engender what they are supposed to control, namely irregularities. For example, one of the direct consequences of the transitional arrangements with regard to migrant workers from new Member States is that, as shown by recent research in the Netherlands, specialised labour market intermediaries, subcontractors and legal advisory firms actually profit from the transitional border-closing through the application of all kinds of circumvention strategies to recruit scarce low-skilled labour (Pijpers, 2005). The protection wall – the economic border of the Internal Market that has been put there to stop illegal workers and so-called fortune-seekers – becomes a source of creativity and innovation: it is a stimulus for rent-seekers to seek or cross the edges of the law in order to let low-rated workers in, and it also serves as decisive location factor for the highly skilled and mobile (Jordan & Düvell, 2003). There are no innocent parties in the construction of illegality. The people crossing illegally, the consumers buying illegally fabricated goods, the households and firms hiring illegal workers, the government allowing others to creatively bypass the law, all have at least some interest in the maintenance of an illegal sector in the economy. In other words, discourses conveying messages about strict migration policies create institutional borders that in turn feed the very notions of illegal migration and illegal employment (Samers, 2004). In sum, in many ways, the 'normative' and even sometimes deadly Fortress Europe is quite open in 'positivist' reality for economic migrants through quasi-legal and illegal rent-seeking activities (Favell & Hansen, 2002).

3.5 The vain protection of ‘easy living’

So, what is left of the image of Fortress Europe if one considers the access granted to economically desirable migrants? We argue that, rather than looking like a fortress, the EU is beginning to look like a ‘gated community’ because of its selectively protectionist migration policies (see also Walters, 2004). A gated community – a defended neighbourhood – is a form of real estate development increasingly found in countries with large internal income differences, such as Mexico and Brazil, as well as in the United States and the United Kingdom (Blakely & Snyder, 1997). Historically, secured and gated communities were built to protect family estates and to contain the leisure world of retirees (Low, 2001). The gated community phenomenon then spread to resorts and country clubs, and finally to middle-class suburban developments (Low, 2001). The common purpose of gated communities is to create a space in which the nation’s affluent wall and gate themselves off from the rest of society in an enclave, primarily driven by fear of crime and the need to be amongst ‘ourselves’, hence protecting welfare, security and identity. Gated communities physically restrict access to their territory, and therefore offer an assumed greater level of control over that territory and those who enter it. The newly created spaces are often militarised through the use of cameras, guards, surveillance systems and other security devices. According to Davis, the panopticon-like screening fits in the larger societal trend of social control and militarisation of public spaces (Davis, 1992). In an excellent empirical overview, Blandy et al. (2003) adopted the following definition of gated communities:

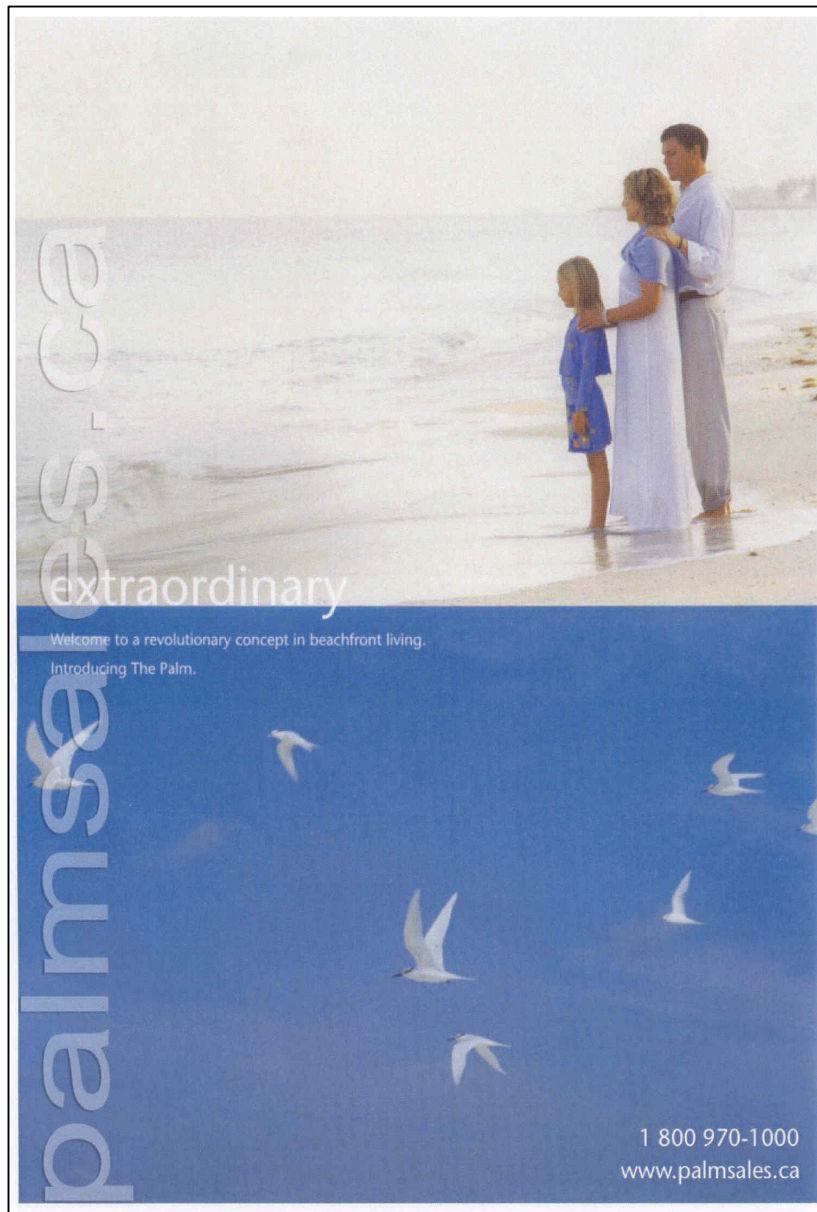
Walled or fenced housing developments to which public access is restricted, often guarded using CCTV and/or security personnel, and usually characterised by legal agreements (tenancy or leasehold) which tie the residents to a common code of conduct. (Blandy et al., 2003, p. 2)

Hence, gated communities express a clear-cut form of the purification of space, by shutting the gates against the ‘outside’ world under the flag of privacy, control, comfort and security. A gated community is made to produce and reproduce segregation and to pronounce and maintain social homogeneity as well as wealth inequality. Non-members, usually the non-white (Davis (1992) defines the gates of the community as a ‘White Wall’) and the non-rich, are excluded from these

spatially bordered contractual associations. Membership is paid for and non-members are labelled guests. It does not come as a surprise, then, that the identity of its members is marketed as a lifestyle, as a status that one buys. In a way, the gated community represents a commercialisation of fear of the perceived, and thereby also a constructed fear of outside darkness. The gates of the gated community are a result of the desire to produce not only a space for the outsider, the stranger, but also (and especially) a purified, enlightened space for the insider.

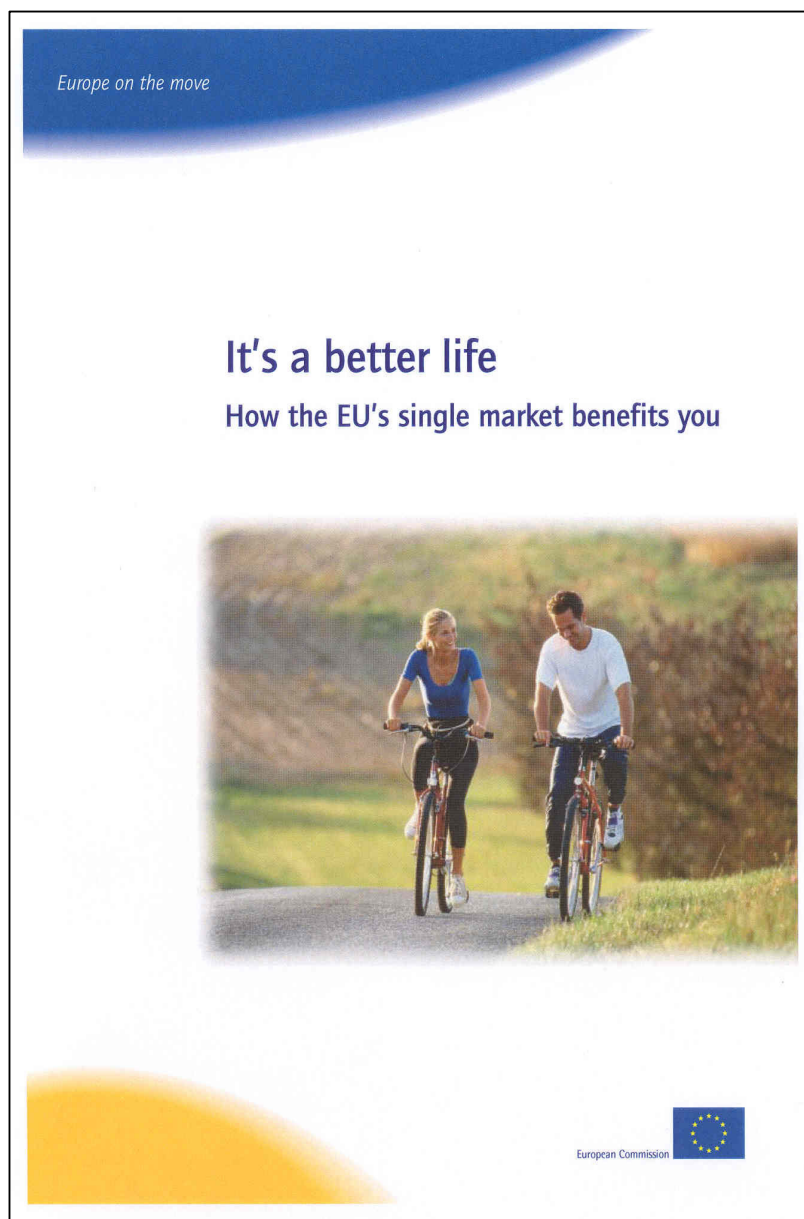
One of the world's most widely acclaimed gated communities is 'Palm Jumeirah'. This artificially constructed island (designed in the shape of a palm tree) is located just off the city of Dubai, providing a haven of luxury to those able to afford its exclusive villas and apartments (Palm Jumeirah's website speaks of 'a unique island experience'; www.palmsales.ca, 2005). What is striking is that strawberry fields-like gated unities like Palm Jumeirah are remarkably similar to the EU's Internal Market ideology in terms of its accommodation of wealth and its resistant, antagonistic and hostile practices towards the mobile Other, especially the deprived ones such as fugitives, gypsies, migrants, asylum-seekers and vagrants (Urry, 2000). Much like a gated community, the EU promises 'easy living', portraying shiny, happy, white people who comfortably relax on beaches and bikes (see the cover pages of two information booklets in figures 3.1 and 3.2). Private parties play an important and increasing role in deciding who enters; politics defines preconditions and facilitates. And much like a gated community, the EU is constructed to biopolitically control, monitor and manage its external borders and thereby safeguard those who are inside from those who are outside. The EU too has retreated behind militarised gates. The political hysteria about assumed hordes of migrants overwhelming our territory that emanates from opinion leaders in various Western European countries, as well as the shock of the 9/11 events, has certainly added to the militarisation of these gates. And much like a gated community, new members of the European club are sought after if they are attractive enough to upgrade welfare on the Internal Market, whereas others are preferably stopped at the gates. Another group of people – a group that is unidentified and largely invisible, yet of considerable size – slips through the maze, sometimes with the help of human traffickers, sometimes with the help of legal rent-seekers: these are the people who clean and cater for the homes inside the community, sustaining the easy living, the life with 'no alarms and no surprises' for its inhabitants.

Figure 3.1: Advertising easy living on Palm Jumeirah



Source: information leaflet on Palm Jumeirah (at www.palmsales.ca, 2005)

Figure 3.2: Advertising easy living on the Internal Market



Source: information leaflet on the European Internal Market (EC, 2002)

However, protection does not succeed in reducing fears in gated communities, as is convincingly demonstrated in the review by Blandy et al. (2003) and similar work by Georjeanna Wilson-Doenges (2000). Residents of high-income gated communities are not 'safer', for actual crime rates do not differ all that much from those in non-fenced neighbourhoods. Moreover, the 'sense of community' in terms of social engagement is significantly lower in gated communities whereas, strikingly, fears of 'outsiders in general' are higher (Blandy et al., 2003, p. 3; Wilson-Doenges, 2000). Apparently, the more borders are closed, the more unknown or untruthful subjects beyond or inside one's knowledge domain are undesired and subject to paranoid suspicion. Within a gated community, false perceptions of security are gained (that is, bought) and the social bonds between the insiders and outsiders, as well as between the highly individualised insiders, are lost. Because of the constitutive and increasing fear of these outside Others, the twisting and turning of the window of reality that is comfort protection is a vicious circle that is perpetual and unbounded, yet not without a price. The price is paid by the excluded Other, and by the self-confined, protected but really unfree insiders. For through distance creation – through denial and withdrawal, as Lacan would call this act of hiding in a gated community – the EU returns to a state of fundamental exclusion (Lacan, 2004; see also Harari, 2001). Comfort protection, hence, is inefficient and ineffective, a conclusion very much in accordance with the one drawn by neoclassical economic trade theory when the quantitative notion of welfare is extended into a quality-inclusive well-being.

3.6 Conclusion: Strawberry fields forever?

We have argued in this chapter that the debate on the current border and migration policies of the EU and its Member States, the critical/radical potential of which is so refreshingly disclosed by liberal philosophers, political scientists and critical geographers, would benefit from a profound understanding of why and how borders as mechanisms of protection are inextricably linked to fear, and conversely, why the issue of fear cannot be reduced to the selective drawing of borders. Insights from psychoanalysis can help us to further this understanding (see also van Houtum, 2005). Whilst the EU should not be seen as hermetically sealed, as it does allow for selective entry, the notion of gated communities speaks to what this bordering

practice also does to those inside and their ever-present generalised anxiety and desire for comfort protection. Looking at the present European geopolitical landscape, it can be ascertained that notwithstanding the postmodern calls for and local celebrations of *heterotopia*, the making and marking of borders and thereby processes of social exclusion have not ceased. The EU is creating a new landscape of walls: walls of conservative solidification are being erected that are fierce and terrifying in their sometimes deadly consequence, but that also contain neoliberal mazes and conscious blindness to specific legal and illegal labour forces that help to sustain the ease and comfort. This neoconservative bordering practice increasingly fits the description of a gated community, reinforcing a conservative protectionist logic to the disadvantage of local and individual attempts to transgress the gated containment. It is a kind of security-obsessed strawberry fields politics inside and cherry-picking outside the EU that, we believe, is highly questionable from both a global economic welfare and a normative point of view, as it sustains and reproduces global inequality and segregation, both materially and symbolically. The gated community of the EU is a kind of never-never land, as the dream of purity and easiness is never ending. Complete fulfilment or satisfaction is impossible: there will always be a lack and, hence, anxiety (Harari, 2001; Lacan, 2004). The Self is never ready, never complete, never one; the desire for wholeness is intrinsically perpetual. We are and will remain strangers to ourselves, as Julia Kristeva (1991) famously argued. Perhaps the lesson is that we have to live with *le manque* of not being a completed and full Self. From that lack the Other can be engaged with trust, for he/she is not a category, and he/she also faces a lack of not being fulfilled, of not being one. In doing so, we just might find a way to live and dream with our eyes open.

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Flows, hordes, masses and streams of the Other. According to the previous chapter, these are what the EU and its Member States are greatly fearing. The thoughts ventured in the previous chapter recur in the following one, which offers a theoretically informed empirical account of how, in the case of the Netherlands, fear of 'mass' migration in parliamentary and media debates resulted in the imposition of transitional restrictions on free movement. In these debates, the Other was given a name: 'labour migrants from new Member States', who all too often were personified by the inhabitants of the largest 2004 EU accession country, that is, Poles.

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Chapter 4

‘Help! The Poles are coming’:¹⁹ narrating a contemporary moral panic

It is widely acknowledged that this is the age of moral panic.

Kenneth Thompson (1998, p. 1)

We may call it a border; abjection is above all ambiguity.

Julia Kristeva (1982, p. 9)

4.1 Introduction

16 April 2003 can be regarded as a historic date in the process of European integration: the day saw the signing of the Treaty of Athens, in which the 2004 accession of ten new Member States to the European Union was officially laid down. In the path towards enlargement, however, the ratification of the Treaty by the various EU Member States led to fierce parliamentary discussions about the perceived negative consequences of enlargement. One of these fierce discussions was about labour migration, which is the focus of this chapter. Having spent many years complying with membership obligations (the Copenhagen accession criteria and the *acquis communautaire*), accession countries were on the verge of receiving membership rights. Freedom of labour, allowing EU citizens to take paid employment in another Member State, is one of these fundamental rights. In rapid succession, however, the governments of most of the old Member States (with the notable exception of Ireland, the UK and Sweden) decided to close their labour market to migrant workers from new Member States (with the exception of Cyprus and Malta) for a period of at least two and possibly seven years.

¹⁹ The provocative title of a television documentary made by journalist Arthur van Amerongen and filmmaker Gilles Frenken, and broadcast on 29 September 2003.

This chapter examines the Dutch case. Fears of massive flows of migrants from new Member States after enlargement, as well as their assumed impact on labour markets and the welfare state, led to fierce political and public discussion in the Netherlands, culminating in a governmental decision to impose transitional periods on the free movement of labour. The five-month period in which the fear of mass migration from new Member States featured in the media headlines will serve as a time-frame within which to narrate the case, drawing on reports of parliamentary debates and media coverage. Embedded in literature on moral panics, risk society and the 'othering' of strangers, the primary aim of this case study elaboration is to reflect on the consequences of the fear of mass migration for bordering processes, which to an otherwise important extent are rooted in irrationality, exaggeration and political opportunism.

4.2 Changing versus converging spaces of social anxiety

From safety discourse to risk society

The concept of moral panic was introduced by Stanley Cohen in his seminal work *Folk Devils and Moral Panics* (1972), which tells the story of societal uproar in the UK over clashes between two youth gangs, the Mods and the Rockers. The uproar was blown out of all proportion by the mass media and subsequently led to fierce debates over British morality and, closely related to that, identity. This Mods and Rockers case is the best-known example of a classic moral panic, which broadly includes anxieties about interrelated issues of youth, sex and violence: youth gangs, paedophilia, homosexuality, AIDS, sex on screen and so forth (Thompson, 1998; Critcher, 2003). Moral panics differ from concerns about, for example, unemployment or labour market integration in the sense that they threaten society's moral order – or an 'ideological conception of some part of it' (Thompson, 1998, p. 8). A moral panic is instigated by an individual or group who/that perceives moral order as endangered. Those calling attention to a perceived threat are called 'moral entrepreneurs' (Cohen, 1972) or 'claims makers' (Goode & Ben-Yehuda, 1994). Another characteristic of a moral panic is the presence of 'folk devils':

In the gallery of types that society erects to show its members which roles should be avoided and which should be emulated, these groups have occupied a constant position as folk devils: visible reminders of what we should not be. (Cohen 1972, p. 10)

When political and public interest fades away, a moral panic has reached a stage wherein the features of deviancy and deviant behaviour are confirmed as stereotypes (for a detailed description, see Cohen, 1972 and Thompson, 1998). Goode and Ben-Yehuda attach to moral panics the criterion of disproportionality: they argue that a perceived threat is a moral panic only if the media attention paid to it by far surpasses the objective, real threat posed to society. This objectivity is obtained through rational calculation and risk assessment of supposed negative consequences, which implies that most moral panics can be identified only, and sometimes long afterwards (Goode & Ben-Yehuda, 1994)²⁰.

Ungar (2001) urges us to dismiss the concept of moral panics, at least in its classic meaning, arguing that at the time of the Mods and Rockers, social anxiety emerged (and then faded away) in a dominant discourse of safety. Identifying folk devils as well as the threat they posed was fairly easy, as was the establishment of effective control systems to counterbalance their perceived influence. Nowadays, social anxieties are embedded in a dominant discourse of risk (Ungar, 2001). In Ulrich Beck's 'risk society', the emphasis is on the contingent and scale-indifferent nature of many of society's contemporary dangers (fundamentalism, terrorism and pandemics, to name but a few) that are caused by irreversible global developments such as mass industrialisation and progress in information technology (Hier, 2003). Classic moral panics literature tends to be primarily concerned with identifying folk

²⁰ Goode and Ben-Yehuda have embedded the scientific meaning of the concept of moral panic in a wider epistemological debate between objectivists/realists and social constructionists by proposing an intermediate variant that they call 'contextual' constructionism (Hier speaks of 'weak constructionism'). Contextual constructionists subscribe to the idea that moral panics can pose objective/real threats to be assessed by rational calculation and the reconstruction of chronological events but are exaggerated through mediation and 'social, cultural and political processes' (Goode and Ben-Yehuda, 1994; Hier, 2003, p. 8). Although no such risk assessment is made here, I follow this contextual constructionist approach by assuming that migration flows from new Member States after EU enlargement are realities to be expected and not merely imaginations of sensation-seeking media and opportunistic politicians.

devils in localised settings that constitute 'limited spatial and temporal threats' (ibid.). The dangers mentioned above lack such a clearly defined folk devil, which renders them very difficult to seize and therefore perhaps makes them an even greater reason for moral panic. Moreover, the diffuse character of new fears generates similarly diffuse kinds of folk devils, namely governments, transnational companies and even multiple institutions at the same time (Ungar, 2001). Yet, spaces of social anxiety are converging: even though almost no-one escapes awareness of globalisation through the influence of mass media, this awareness stands apart from the persistent importance of one's immediate sociospatial environment: 'perceptions of risk are situated within the context of routinised and normalised local order and the production and functioning of everyday living' (Hier, 2003, p. 13). Risk society is thus mediated, but not necessarily lived. Therefore, regardless of spatial scale, 'moral panics articulate beliefs about belonging and not belonging, about the sanctity of territory and the fear of transgression' (Sibley, 1995, p. 43).

The labour migrant as stranger and folk devil

Are labour migrants contemporary folk devils? Before answering this question I will first address another one: are new social fears in any way connected to the more mundane circumstance that is economic slowdown? David Sibley firmly states that there is 'no obvious connection' between social anxieties and economic crises (1995, p. 39) and indeed, in countries such as Ireland and the UK, fierce immigration debates have coexisted with relatively stable growth rates in recent years. However, the current state of the economy would seem to have a more profound impact than previous recessions, at least in continental Europe. Job loss after times of endless optimism about the 'new' economy, supposedly turning the characteristic cyclical upward trend of economic growth into a linear one, has been enormous and widespread. Anxiety about job competition among Dutch workers is reinforced by the potential presence on the labour market of outsiders who are able and willing to accept a wider range of jobs for lower wages. Labour contracts are increasingly temporary, at the expense of permanent contracts. Moreover, the chances of industrial production facilities being relocated to faraway places are higher than before: modernisation 'has reached the furthest lands of the planet' (Bauman, 2004, p. 6). These concerns, set in the mind of the risk-avoiding economic agent, call for appropriate and effective measures: responsibility for not having, not finding or not

keeping work is transferred to others, in this case labour migrants from new Member States. Open borders can be closed and access to competitive labour markets effectively denied.

Fear of mass migration stretches beyond fear of job loss and social benefit misuse. Being assumed to pursue 'evil' agendas of collective action (stealing 'our' jobs, exploiting the welfare state), immigrants are accused of threatening the moral order proper. They challenge the invisible lines wrapped around that order, which, with some sense of imagination, can be called society's moral boundaries:

Moral panics are likely to 'clarify [the] normative contours' and 'moral boundaries' of the society in which they occur, demonstrat[ing] that there are limits to how much diversity can be tolerated in a society ... In fact, it is entirely likely that moral panics serve as a mechanism for simultaneously strengthening and redrawing society's moral boundaries – that line between morality and immorality, just where one leaves the territory of good and enters that of evil. (Goode & Ben-Yehuda, 1994, pp. 29 and 52)

Moral boundaries come to the surface and hence are open for reinforcement when threatened by some outside force. National identity, embedded in society's history and maintained in silent consent, is again subject of discussion. Often, the immigrant is assumed to behave incompatibly with national identity even before he/she enters national territory: in migration policy documentation, non-nationals (whether they be labour migrants or political refugees) are named 'aliens' and 'strangers' to our territory and to us. Inspired by the work of Zygmunt Bauman (1997, 2004), an increasingly large stream of literature is devoted to the philosophy of strangers within social theory (Diken, 1998; van Houtum & van Naerssen, 2002; Hier, 2003), tying in the exclusionary status of many immigrants to the discontents of globalisation (Bauman, 1997). In risk society, migrants are considered mere side-effects or even 'the waste' of globalisation and are thus feared as disorder-bringing strangers (Bauman, 2004). Just as folk devils remind us of what we should not be, as Cohen insightfully argued, the presence of economic migrants in our midst reminds us of what we could be were our currently favourable circumstances to take a turn for the worse. We 'risk' becoming migrants ourselves when jobs are reallocated to 'others' by cost-minimising business managers (Bauman, 2004). Other authors (Kristeva, 1982; Balibar, 1991; Sibley, 1995; 1998) draw on psychoanalytical work

on the impurity of the human body to reach much the same conclusion. 'Them' looking or acting differently causes harmless feelings of curiosity and sensation alongside much more powerful sentiments of repulsion and estrangement among 'us'. Social rejection invoked by bodily abjection articulates into space through processes of bordering, exclusion and purification:

Recognising that some groups are abject also suggests that it is insufficient to focus solely on problems of integration into labour markets. Exclusion from labour markets may be a consequence from their abject status or ... being in or out of a labour market may not be an issue. (Sibley, 1998, p. 95)

Eager to keep the fragile order secure, control mechanisms are installed and enforced upon those feared because of their very 'being' as well as their being in a migratory position, either excluding them from a territory or restricting their freedom of movement once inside it. In that sense, the guarding of moral boundaries may well result in an upgrading of the physical borders of the nation-state, or of the access restrictions prevailing in some parts and/or segments of the nation-state or the national economy (in this case the labour market). Through these kinds of policies and practices, in turn, the members of such bordered communities (in this case domestic, often low-skilled employees) enjoy a certain degree of protection and hence of security (Hier, 2003). Economic risk, more likely to strike and be felt locally than other contemporary dangers, is therefore very much part of risk society, in which desires for security and order are often fulfilled by constructing folk devil-like strangers out of labour migrants.

Moral border guards

Literature on moral panics and risk society distinguishes a fairly broad range of potential moral entrepreneurs: individual politicians, political parties, opinion makers, interest groups and the media (Goode & Ben-Yehuda, 1994; Thompson, 1998; Critcher, 2003; Hier, 2003). Several empirical studies report about the moral border guarding of migrants and asylum-seekers. Claims-making activities Western European parliaments, for example, have been examined by van Dijk (1997), who convincingly demonstrates that, indeed, parliamentary debates often negatively represent immigrants as unknown others and therefore as threats to the nation. For

the case of the Netherlands, Erik Snel (2003) identifies a number of influential moral entrepreneurs who have recently portrayed the failing-to-integrate immigrant as folk devil. These individuals, including politicians as well as opinion makers, catalysed anti-immigration sentiments otherwise thought of as virtually non-existent, marking the beginning of a wholly different perception of immigration and integration issues. Previously the subject of political care because of socioeconomic deprivations, the non-Western immigrant is increasingly regarded as a threat to Dutch cultural identity and domestic norms and values.

Taking on the perspective of the general public, Lynn and Lea (2003) analyse the ways in which public opinion about asylum policy in the UK expressed in newspapers contributes to the social construction of asylum-seekers as strangers. They identify a discursive rhetoric that strongly supports the idea that the *vox populi* may arouse perceptions of asylum-seekers as undesired and to be rejected as well (Lynn & Lea, 2003; see also Goode & Ben-Yehuda, 1994). In fact, both Thompson (1998) and Critcher (2003) find that a large part of the distortion that moral panics suffer from in terms of exaggeration and disproportionality can be accredited to the media. Social anxieties instigated either at decision- or opinion-making levels or in localised settings by the general public can be and are spread by national and local media. In a way, therefore, moral panics over migration issues are not dissimilar to what crowd psychology as early as the beginning of the 20th century analysed as 'irrational movements' (Balibar, 1991, p. 23). On the other hand, contemporary claims-making leaves folk devils less marginalised than before: their voice is made heard in and by the media as well (Hier, 2003).

Elite actors, the general public and the media are inextricably linked in instigating social anxiety about migration at different yet (through information transfer and locally lived economic insecurity) converging spatial scales. Hence, unravelling their relative importance is a complex task. Viewed in this context, the leapfrogging of restrictive measures (transitional periods imposed on the free movement of labour) with regard to migrant workers from new Member States is likely to be caused by a chain reaction of fear of mass migration.

4.3 Narrating fear of mass migration: the Dutch case

Moral panics and narrative

The remainder of this chapter is devoted to a case study of fear in the Netherlands of mass migration from new Member States, culminating in the closing (or, rather, the very limited opening) of the Dutch labour market. More specifically, I examine where rationality, exaggeration and opportunism meet in the perception of this particular migration flow as a cause for contemporary moral panic, and thus identify implications for boundary drawing. I order the various relevant events that occurred in the five-month period September 2003 – February 2004, during which the Dutch decision-making process on the issue of the free movement of labour featured in political and public debates in parliament and the media by means of a narrative.

Narratives are detailed case study descriptions that are used as methodological research tool across the wide array of social and policy sciences. Reservations concerning case narratives commonly relate to issues of the transferability of research results. However, since generalising knowledge is not always a socially useful activity, the strength of any case study, which of necessity incorporates a narrative element, is to be found not in the general but in the detail (Flyvbjerg, 2001). Hence, the main goal of narrative is to expose rather than to demonstrate (Czarniawska, 1998). The quality of this exposition is enhanced when there is a sharp eye for detail: ‘in narrative, the perceived coherence of the sequel (temporal order) of events rather than the truth or falsity of story elements determines the plot and thus the power of the narrative as a story’ (Czarniawska, 1998, p. 5).²¹

Precisely this strict adherence to chronology in a good narrative is quite in accordance with the case descriptions of moral panics found in literature (Cohen, 1972; Thompson, 1998; Critcher, 2003). Moreover, I believe that the emergence and fading away of a social anxiety is ‘best understood narratively’ (Flyvbjerg, 2001, p. 137). Narratives enable the researcher to draw conclusions about the existence of folk devils, moral entrepreneurs and other actors on stage, as well as on the

²¹ For this reason, it is important to note that the kind of narrative I intend to write does not place that much emphasis on discursive context and the deconstruction of power relations as strict Foucauldian-style discourse analysis prescribes. Two excellent examples of critical discourse analyses of migration and asylum issues can be found in van Dijk (1997) and Lynn and Lea (2003).

articulation of moral boundaries into spatial ones. Critcher describes the natural connection between narrative and moral panics as follows:

We do not have to apply formal theories of narrative ... to note that most moral panics tail off when Something Has Been Done – or, more accurately, when Something Has Been Seen To Be Done. If what we have here is a kind of moral fable, in which retribution is exacted upon the perpetrators of evil, then moral panics can be deconstructed as narratives. (Cricher, 2003, p. 141)

On the following pages, I produce such a moral panic narrative, drawing on parliamentary documentation, newspaper coverage (news, comments, background information), television and radio broadcasts (news, interviews, documentaries), and electronic sources.

An 'alert' member of parliament

According to Critcher, a key triggering event 'may be found in the middle rather than at the beginning of a moral panic narrative' (Cricher, 2003). In my view, the panic about potential mass migration from new Member States after EU enlargement was initiated by an MP from the Liberal Conservative Party. While preparing for the parliamentary debate on the ratification of the Athens Treaty, the MP discovered that contrary to most other Member States, the Netherlands had not yet (summer 2003) taken a decision about granting labour market access to this group of migrants. He recalled in an interview:

I had just been appointed Member of Parliament, assembled all document material, and found out that parliament never really had discussed properly about the admittance of Eastern European immigrants. Every aspect [of the Treaty of Athens] had been discussed and negotiated, but not this one. (Quoted in *Weekblad Elsevier*, 15 November)²²

²² All quotes are translated from Dutch. I have attempted to stay as close as possible to the exact meaning of the Dutch texts without producing bad English (or good 'Dunglish', as some prefer to call English with obvious Dutch word use and sequence). For reasons of transparency and privacy, the names of key actors involved in the 'fear of mass migration' narrative are not mentioned.

Soon after (24 September), the MP participated in a debate in the Dutch Lower Chamber (Tweede Kamer) about an amendment to the Law on Alien Labour concerning the recruitment of labour from states outside the European Free Trade Area (EFTA). During the discussion, he pointed out that the previous Dutch government had based its decision not to close the labour market to migrant workers from new Member States on a report published in 2001 by the Socioeconomic Council, an influential advisory body to the government.²³ In 2001, the Dutch economy had still been booming, and the report explicitly assumed that these favourable circumstances would persist. In the course of the debate, the MP introduced the following motion:

The Chamber, having taken notice of the debate, considering, that as a consequence of the economic slowdown unemployment in the Netherlands is increasing, that after accession of ten new Member States into the European Union a further distortion of the labour market can be feared caused by an inflow of relatively cheap labourers, that the accession treaty leaves open the possibility for the [present] Member States not to open the labour market to these workers for a period of up to seven years, calls upon the government to, if necessary, take measures in time by maintaining or accomplishing a general policy measure based on the Law on Alien Labour to keep the Dutch labour markets closed to employees from the new Member States, for the time being ... (Official parliamentary documentation at <http://parlando.sdu.nl>, 24 September)

The motion was directed to the Deputy Minister of Social Affairs and Employment, who was responsible for Dutch labour market policy. Although the Deputy Minister was not completely convinced of the importance of the arguments put forward by the MP, he admitted that up-to-date information about the numbers of migrants to be expected after EU enlargement was lacking, as was knowledge about the positions of other Western European countries besides Germany and Austria. He therefore promised parliament to come up with a memorandum on the advantages and

²³ A centre-right-wing coalition of the Liberal Conservative Party, the Christian Democrat Party and the Democrat Party.

disadvantages of granting free movement to labour migrants from new Member States. Apart from labour market closure, he would also consider the possibility to maintain the work permit requirement after enlargement. This memorandum would be issued by the end of the year (<http://parlando.sdu.nl>, 24 September).

Spreading the word

After a month of relative silence, the issue was picked up by several other MPs on both sides of the political spectrum. The immediate cause for this was the appearance of the Deputy Minister of Social Affairs and Employment on NOVA (a daily current affairs television programme) on 28 October. During the broadcast, the expectation was uttered that 30,000 labour migrants would be coming from Poland alone. In response to this, the Deputy Minister declared that ‘these are not numbers to be worried about’ (NOVA, 28 October).

A couple of days later, two MPs from the Christian Democrat Party expressed their concern about this statement, as they doubted that the Dutch labour market would be able to absorb such a high number of migrant workers. They demanded to be told, first, the impact these expected developments would have on Dutch workers, particularly the low-skilled; second, an estimate of numbers of legal and illegal eastern European employees working in the Netherlands; and third, how many of these people hold a German passport, allowing them free entry to the Dutch labour market already (<http://parlando.sdu.nl>, 6 November).

That same week, the conservative MP who by then could be considered the instigator of the discussion, increased his pressure on the Deputy Minister by officially asking him to clarify his expectations on the inflow of seasonal workers after EU enlargement. This question was based on an article that appeared in the *Agrarisch Dagblad* (Agrarian Newspaper) on 30 October, reporting the building of hundreds of extra housing facilities for employees from new Member States by a number of rural municipalities. The MP demanded that the Deputy Minister examine unemployment rates and labour supply in the region in question, and asked whether the initiative taken by these municipalities was in accordance with official Dutch housing policy (<http://parlando.sdu.nl>, 5 November). In addition, he repeated his earlier demand to overrule the liberal stance of open borders taken by the previous government. The Deputy Minister responded that he was working on

the memorandum and that it would answer all the questions that had been posed (<http://parlando.sdu.nl>, 6 November).

On 19 November, the Lower Chamber again discussed the ratification of the Treaty of Athens. Although the free movement of labour was but one of the many topics on the agenda for that afternoon and evening, it turned out to be the most controversial. Pim Fortuyn's party (in Dutch: 'Lijst Pim Fortuijn')²⁴ joined the Liberal Conservatives and the Christian Democrats in their demand that, due to the already disadvantageous and worsening economic situation in the Netherlands, and due to the fact that several neighbouring Member States had already decided to close their borders, the Dutch position should be reconsidered. The left-wing Labour Party, Democrat Party and the Green Party opposed the matter rather firmly, evaluating such reconsideration as 'being not very decent' and 'breaking a promise already made' (<http://parlando.sdu.nl>, 19 November). Nevertheless, all parties (including the far-left-wing Socialist Party and the conservative Christian parties) agreed that, if migration numbers became so large as to be a cause for concern, they would drop their objections.

Enter the media

Although the heated discussion did not bring the actual decision any closer, as all of the political parties preferred to await the memorandum that was being prepared by the Deputy Minister, it sparked a storm of media attention, particularly in the national newspapers. In the days following the debate, several MPs were repeatedly quoted, most notably the Liberal Conservative MP²⁵ who had said that he feared that 'the Netherlands will become the lowest drain on the European labour market'²⁶ if its borders were kept open (quoted in *De Volkskrant* on 20 November, and in *Dagblad Trouw* on 22 November). The spokesman of the Labour Party and the spokeswoman

²⁴ The right-wing party established by Fortuyn in the run-up to the 2002 parliamentary elections continued to exist under the same name after his death.

²⁵ This MP is a member of the same party as the MP who initiated the debate in September 2003.

²⁶ According to the official report of this debate in the Lower Chamber, the MP in question actually said 'the lowest point on the European labour market' rather than 'the lowest drain' as the newspapers quoted. The Dutch words for point (*punt*) and drain (*put*) are very similar, implying that either parliament's stenographer or a recording journalist could have misheard it. In either case, the word 'drain' indisputably adds a dramatic flavour to the statement (<http://parlando.sdu.nl>, 2003).

of the Democrat Party in turn accused the right-wing parties of ‘arousing negative sentiments’ outside of parliament in appearances before the general public (*De Volkskrant*, 20 November). More specifically, they were referring to the visit by the Dutch Minister of Finance to a conference of his Conservative Party. During this conference, he declared himself to be ‘against cheap Poles’, as revealed by the headlines of an article about the conference (*NRC Handelsblad*, 18 November). The Minister said:

If Germany, for instance, decides to temporarily close its labour market to Polish employees, they will flow to the Netherlands. We would not want that. (Quoted in *NRC Handelsblad*, 18 November)

More important than the supposedly provocative words uttered by the Minister of Finance, both spokespersons said that they were tempted to draw the conclusion that the free movement issue had already been discussed and perhaps even decided upon by members of the administration, albeit behind closed doors. They said they were suspicious of a hidden agenda in favour of closing the labour market, as Germany, Austria and other countries had done (<http://parlando.sdu.nl>, 19 November). During the debate, however, the accusation was denied by his fellow party members. In the aftermath, the Minister of Economic Affairs (a Democrat) put into perspective the ‘hidden agenda’ theory, as he turned out to be a fierce advocate of free movement (*De Volkskrant*, 26 November). This in fact was not all that surprising, as this particular Minister of Economic Affairs is known to take a pro-European standpoint. The discussion in parliament between, most notably, the Liberal Conservatives, the Christian Democrats and Pim Fortuyn’s party on the one hand, and the Democrats, the Labour Party and the Green Party on the other hand manifested itself within the government between the Minister of Finance and the Minister of Economic Affairs.

Contrasting opinions

Thus, with a deadlock between two powerful members of the government, the last two weeks of November and the first two of December saw the rise of the public’s voice in the media. Whereas media coverage up until then had consisted mainly of reports of debates in parliament and relatively brief news flashes, comments on the

issue of labour migration from the new Member States could increasingly be found in opinion sections, columns and background articles. A telling example appeared in, for instance, *NRC Handelsblad* on 21 November, when a letter from an anonymous reader argued that the fear of eastern European migrant workers stealing jobs from Dutch workers is completely out of place. The correspondent pointed out that seasonal migration from accession countries, mainly from Poland, had been a common phenomenon in the Netherlands for the previous decade and a half, and to the ‘mutual satisfaction of employers and employees’:

Employers are happy because Poles work hard, don’t complain and hardly ever fall ill. With an old-fashioned work ethic they pluck gerberas, prune tomatoes or cultivate asparagus in Brabant and Limburg²⁷ in spring. Finding Dutch employees for these jobs, which are known to be quite harsh, has been impossible for many years now. (Quoted in *NRC Handelsblad*, 21 November)

Subsequently, the correspondent argued for combating illegal immigration rather than excluding legal workers. Although the correspondent’s background is unknown, it would seem that he/she has a substantial amount of background knowledge on the subject. In general, public comments about the granting of free movement to labour migrants from new Member States came from people who can be regarded as experts in the field. Among them was a professor of public finance, who expressed his concern over the competitive position of domestic low-rated workers upon the opening of the labour market. He also emphasised a potential increase in government expenditures on social security after enlargement (*Het Financieele Dagblad*, 21 November). The professor’s concerns were contradicted by MPs from the Labour Party, who accused him of ‘elementary school calculating’ (*Het Financieele Dagblad*, 10 December). Obviously irritated by these words, the professor retaliated by accusing the Labour Party of engaging in an ‘ostrich policy’ (*Het*

²⁷ Brabant and Limburg are Dutch provinces (and, in EU terminology, NUTS II regions). In May and June of each year, between 3000 and 6000 (estimates vary) immigrant workers from Central and Eastern Europe, especially from Poland, visit these provinces in order to work in agriculture or construction. The asparagus cultivation sector in Brabant and Limburg is particularly well-known for attracting seasonal migration.

Financieele Dagblad, 19 December). This is an illustrative example of political-public interaction in the media.

From 29 November until 13 December, the regional newspaper *Limburgs Dagblad* published a series of articles about Polish immigrant workers in the Netherlands and Germany, and more specifically in the province of Limburg. Eight background articles covered a wide range of related topics, ranging from the existence of ‘mala fide’ labour agencies taking advantage of immigrants, to the negative consequences of young men and women leaving Polish villages. Although the series provided a realistic and by no means over-dramatised view of the issue, the objective reader could not but conclude from it that there were indeed a considerable number of migrants to be expected after EU enlargement. One of the articles was dedicated to German Poles from areas in southern Poland that had belonged to Germany until the Second World War: these Poles, who still hold German passports, would be able to freely enter the Dutch labour market regardless of the decision of the Dutch government. According to the article, most of the many Poles in possession of German passports were quite willing, and indeed were preparing, to migrate after enlargement. Similar conclusions were drawn by the writers of another series of articles in *Het Financieele Dagblad*, entitled ‘The Neighbours are Coming’. Apart from sharing the concern about Poles with German passports being misused by illegally operating labour market intermediaries (6 December), they called on the expertise of a migration professor (28 November and 10 December), several economists (28 November) and the president of the largest labour union in the Netherlands (16 December).

Producing factual evidence

Determined to come up with a well-informed policy decision, the Deputy Minister of Social Affairs and Employment asked a renowned government-affiliated research bureau (Netherlands Bureau for Economic Policy Analysis) to conduct an in-depth study into the advantages and disadvantages of admitting labour from new Member States. The Bureau delivered the main ingredient for the Deputy Minister’s memorandum on 14 January 2004. In a brief though detailed report, the Bureau concluded that despite other Member States’ decisions to temporarily close their labour markets, a relatively small number of migrant workers from the new Member States could be expected after enlargement. Drawing on an analysis of several

scientific migration forecasts, the Bureau estimated an additional inflow of 3500 – 8500 migrant workers (de Mooij et al., 2004), excluding seasonal migration. Moreover, the majority were likely to take existing job vacancies in the bottom segment of the labour market, in which case, no substantial ‘harm’ would be done to the Dutch welfare state (de Mooij et al., 2004).

For the Liberal Conservative Party, the report was convincing enough to drop their demand to close the Dutch labour market. Their spokesman said that numbers ‘look good’ (*De Volkskrant*, 15 January). The Minister of Finance, however, who was a Liberal Conservative, maintained his desire to close the labour market. So too did the Christian Democrats and Pim Fortuyn’s party, who seemed to be determined not to grant free movement regardless of the report and the forthcoming decision of the Deputy Minister of Social Affairs and Employment (*De Volkskrant*, 15 January). In a 30-page letter published on 23 January, almost a month later than initially foreseen, the Deputy Minister informed parliament about this decision, which turned out to be a compromise between opposing parties. Instead of fully opening or fully closing the Dutch labour market on 1 May, a limited number – namely 22,000 migrants – would be allowed access to it (<http://parlando.sdu.nl>, 23 January). This figure was based on estimates made by the Bureau, complemented with seasonal migration numbers. If more than 22,000 people were to enter, the labour market would be closed. The letter explicitly states that caution is in order:

In this respect, it is important to keep in mind that, as the Netherlands Bureau for Economic Policy Analysis annotates, the estimates are surrounded with insecurities. This insecurity about the actual number of labour migrants contains a risk that gains weight when unemployment in the Netherlands rises. (<http://parlando.sdu.nl>, 23 January)

For this reason, the government left open the possibility to take further restrictive measures if real numbers of migrants after enlargement were to indicate the necessity to do so. Asked about his reaction to the letter, the Dutch prime minister firmly replied:

We do acknowledge the free movement of persons, but we will not overlook the effects on our labour market. (Quoted in *De Volkskrant*, 23 January)

With this, one would expect the issue to have been dealt with. However, to the surprise of many (not least the Deputy Minister of Social Affairs and Employment), the last word had not been said. While discussing the letter in parliament on 3 February, a majority of parties (the Liberal Conservatives, the Christian Democrats, Pim Fortuyn's party and the Socialist Party) evaluated the proposed limit as not strict enough. Still convinced of a greater migration threat than forecast by the Netherlands Bureau for Economic Policy Analysis, these parties introduced no less than five motions in the course of the debate, either highlighting a specific aspect of the free movement issue or proposing an alternative solution (<http://parlando.sdu.nl>, 3 February). There was, for instance, a demand that official requirements for receiving a work permit for migrant workers from new EU countries should be as strict as those for non-EU (and non-EFTA) nationals. Another motion questioned the migrants' ability to integrate into Dutch society, and consequently pleaded for them to be forcibly acquainted with the Dutch language and culture (<http://parlando.sdu.nl>, 3 February). The argument put forward by the spokesman of Pim Fortuyn's party was particularly lively, as it referred to the ambivalent relationship between the Dutch and water:

Driven by a dead-end situation in their home country and hoping to receive a royal income here, workers will massively go westward. It is like water, always flowing to the lowest point. Coincidentally, the Netherlands is the lowest country in Europe, which means that we need to be prepared. If the flow turns out to be high tide, we will be too late, because we failed to take appropriate measures by digging a canal and building dykes. (<http://parlando.sdu.nl>, 3 February)

Upon receiving so much criticism, the Deputy Minister of Social Affairs and Employment promised to discuss the issue within the government once again.

A solution at last

After almost five months of intense and sometimes heated debates and discussions in parliament and the various media, the 'fear of mass migration' narrative reached its climax when the government decided upon a final solution on 13 February 2004. In a second, much shorter letter to parliament, the Deputy Minister announced that

instead of imposing the 22,000 maximum, migrants from new Member States would be granted access to only a very small number of jobs in designated sectors of the economy (<http://parlando.sdu.nl>, 13 February). In these sectors, labour shortages should be perceived as structural and unlikely to be alleviated by Dutch workers (<http://parlando.sdu.nl>, 13 February and *De Volkskrant*, 14 February).²⁸ The majority of sectors, however, would remain closed until 2006. Thus, the overall winners of the debate were clearly the political parties that had insisted on transitional restrictions. The most important opposing actors – the Democrat Party and the labour union – were very disappointed. They questioned the feasibility of the proposed measures, especially with regard to the drawing of a shortlist of ‘open’ sectors to be adapted and updated according to the needs of the moment (*De Volkskrant*, 14 February and *Dagblad Trouw*, 14 February). However, the government explicitly kept open the possibility to further restrict free movement if either the number of migrants exceeded expectations or the EU enlargement process entered a new stage.

By the time the Dutch decision had finally been taken, another immigration-related issue had taken over the media headlines and the political and public debate. The Minister of Alien Affairs and Integration launched a highly controversial proposal to expel 26,000 rejected asylum-seekers. Immigration interest groups and the local policy makers who would be required to put these harsh measures into practice protested strongly. Their protest was fuelled by the media’s eager portrayal of many individual asylum-seekers, which caused the issue to completely displace the fear of mass migration from new Member States. On NOVA, the Minister of Alien Affairs herself spoke of a true ‘media hype’ (NOVA, 3 February). Nevertheless, on 11 February the headline of the *NRC Handelsblad* declared: ‘Inhospitable Europe makes Poles feel bitter’. This was followed by a story about the feelings of unpleasant surprise and resentment among policy makers and citizens in Poland as an immediate reaction to the decision by so many Member States to impose transitional periods on the free movement of labour.

²⁸ Reference was made to the following jobs and sectors: international truck drivers, sailors and helmsmen in inland shipping, operating room assistants, radiotherapy/diagnostic laboratory attendants in health care, and boners and butchers in the slaughtering industry. In the last days prior to enlargement, labour market access was extended to include seasonal workers (up to two months) in agriculture.

4.4 Boundary drawing through politics of fear

A recapitulation in main findings

The moral panic narrative shows that claims-making activities by politicians in parliament, opinion makers and experts in the fields of migration and labour markets have been both frequent and intense (see table 4.1 for a recapitulation).

Table 4.1: The ‘fear of mass migration’ narrative in headlines

Stage/event	Principal characteristics and/or actors
Emergence	An MP from the Liberal Conservatives introduced a motion in parliament’s Lower Chamber.
Claims-making	The Liberal Conservatives (most notably the Minister of Finance), the Christian Democrats, Pim Fortuyn’s party and the Socialist Party claimed a threat to the labour market, the welfare state and Dutch cultural identity.
Elite consensus and concern	All political parties agreed to await a clarifying report to be prepared by the Deputy Minister of Social Affairs and Employment. The Minister of Economic Affairs firmly held on to free movement throughout the debate.
Media inventory	Numerous stories appeared in newspapers and on TV, the radio and the Internet, covering news and backgrounds.
Expert involvement	Some experts in the field expressed concerns over the migrants’ influence on the Dutch welfare state. Others defused these concerns by pointing to the need for labour migration in ill-functioning labour market sectors.
Coping and Resolution	Despite a comforting risk assessment study, the government decided to introduce a limit on the number of migrants to be allowed access; upon protests, it restricted labour market access altogether with the exception of a very small number of jobs in certain sectors.
Fade away	Controversy over the proposed expulsion of 26,000 asylum-seekers displaced the fear of mass migration.
Legacy	Immediate consequences will become known in the period after EU enlargement. Long-term legacy is expected to become manifest in discussions about the EU’s future geopolitical expansion.

Source: ‘events’ drawn from Critcher’s extended model of moral panics (2003, pp. 151-153)

In general, one can conclude that elite actors rather than the *vox populi* shaped political and public debates in the Netherlands about the free movement issue. Coverage by ‘upper-class’ newspapers and television broadcasts took the form of opinion sections, series of articles, discussion programmes and documentaries. There was no far-reaching stereotyping or exaggeration, with the exception of some provocative headlines (‘Help! The Poles are coming’, ‘Polish hordes’) and

denigrating quotes ('cheap Poles', 'Eastern European drooping moustaches'). Moreover, support for migrants from the new Member States was expressed by both politicians and other contributors to the discussion, although an apparent need for risk assessment, which was accordingly carried out by the Netherlands Bureau for Economic Policy Analysis, was widely felt. The narrative faded away after the final introduction of transitional arrangements and through the upsurge of other social anxieties.

On rationality, irrationality and opportunism

The fear of mass migration in parliament and the media was about the potential ousting of Dutch workers by migrant workers from new Member States. At first, then, the resulting labour market closure would seem a straightforward reaction to the fact that almost all of the other Member States had restricted free movement, and had done so well before the Dutch government. And indeed, concerns about the labour market and the welfare state are not all morally flawed regarding the current problematic circumstances in both of these segments of Dutch society. Yet, what most labour market experts agree upon is that migration might (and in many cases already does) alleviate structural labour shortages in more sectors of Western European economies than the only very few that are currently opened up for job competition in the Netherlands. Workers from Poland and other accession countries have been contributing to the Dutch economy in many ways for many years, for example, in the asparagus and strawberry fields, at construction sites and in the packaging industry. Transferring the responsibility for the ill-functioning of these sectors (in terms of finding motivated employees) to labour immigrants constitutes political opportunism in favour of the economic protection of Dutch workers. The surprisingly easy way in which the otherwise comforting results yielded by the Bureau's risk calculation were bypassed, once more exposes the intrinsic ambivalence of spatial morality: freedom of labour should be fundamental to EU citizenship, but it should not pose a threat to an even more fundamental 'right' to retain accumulated wealth within national borders (van Houtum & van Naerssen, 2002).

In their classic definition, moral panics are considered to be of limited duration as they '... heighten boundary consciousness but ... are, by definition, episodic. Fears die down and people subsequently rub along with each other' (Sibley,

1995, p. 39). This might be because society, and more particularly the panic-instigating actors on stage, consider the policy measures taken as appropriate or sufficient. In addition, and also relevant here, new threats may emerge, posing another or a greater challenge to the boundaries of morality and identity. Whereas the latter reason clearly reflects the contingency of contemporary moral panics over immigration and minority integration, the issue of recurrence seems highly relevant as well. As was agreed in the course towards enlargement, restrictive countries such as the Netherlands are obliged to review the free movement theme in the spring of 2006, with the extension of transitional periods as a possible and perhaps likely outcome. For, capitalising on the economic risk of low-skilled Dutch workers – one of Dutch society's most vulnerable groups – claims makers like the ones identified in this narrative are sure to once again celebrate the argument that open borders lead, tellingly phrased by Erik Snel, 'to uncontrollable consequences, to overstretch threatening our society's character' (Snel, 2003, p. 15).

4.5 Conclusion

Although limited in its scope, the above case study narrative supports the view that political decision-making with regard to sensitive migration issues is grounded in and caused by fears of being flooded by mobilities of an uncertain size and impact. Notwithstanding the temporary nature of the transitional arrangements currently imposed, for the free movement of labour will eventually be granted to the inhabitants of new Member States at some point in the near future, attention is drawn to EU enlargement rounds still to come. Starting with the striven-for accession of Romania and Bulgaria in 2007, the question arises whether migration fears in Member States will co-determine where the geopolitical expansion of the EU ends. Recent progress in accession negotiations with by far the most controversial candidate Member State – Turkey – instantly caused rumours of massive flows of Turks in the offing. Boundary drawing in the EU is ongoing, as are the efforts to keep out labour migrants. With the exception of a few who are directed towards clearly specified sectors in order to fulfil well-demarcated jobs, most are denied access as politically undesired strangers and folk devils despite their sometimes obvious market-desirability. Images of moral overstretch in the media feed, and will continue to feed this politics of fear and therewith reinforce the perceived need for

boundary drawing. By way of conclusion, this suggests that fear of mass migration from new Member States is rooted in a complex interplay of irrationality, exaggeration and political opportunism, which otherwise remains open for further deconstruction.

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Part and parcel of the moral panic confronting labour migrants from new Member States were calls to calculate or at least estimate the risks associated with their sheer numerical presence on the Dutch labour market and in the queues of the Dutch social welfare system. And indeed, many such risk assessments were carried out, yielding impressive numbers that made for some extravagant newspaper headlines. The following chapter provides an in-depth scrutiny of studies that sought to forecast East-West migration ensuing from the 2004 EU enlargement round. In it, I pay attention both to the many issues these studies highlight and to the many issues they ignore.

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Chapter 5

Problematizing the ‘orderly’ aesthetic assumptions of forecasts of East-West migration in the European Union

So mathematics endlessly creates new referents, and a few are converted into representations of the real world. This happens because they are embedded in metrology, the art of measuring. Metrology strengthens the capacity of mathematics to convince. It helps to frame what is to be taken into account or forgotten, made present or absent.

Ivan da Costa Marques (2004, p. 71)

... economics, in the broad sense of the term, performs, shapes and formats the economy, rather than observing how it functions.

Michael Callon (1998, p. 2)

5.1 Introduction

Academic research on international migration is by no means averse to numbers. The widespread use of migration forecasts (quantitative guesstimates of future patterns of migration flows) is illustrative of this. Many forecasting studies are produced for supranational or national governments, or large non-governmental institutions such as the OECD and the IOM (International Organisation for Migration). Without exception, the introductions to the various study reports stress the many concerns and challenges that policy makers face with regard to the impact of mobility and migration on employment levels, social security systems, multicultural society, cultural identity, and so on.

The EU enlargement process has resulted in a particularly large series of migration forecasts. The first were carried out in the late 1990s, when it became clear that many post-Soviet nations from Central and Eastern Europe would be joining the EU in the foreseeable future. Since the 2004 enlargement round implied a breakdown of national borders for 75 million inhabitants of ten new Member States with relatively low incomes per capita and high overall unemployment levels, many

feared massive flows of labour migration from East to West. In the years and months prior to enlargement, national governments in a majority of old Member States decided to restrict East-West migration for a period of at least two years, occasionally complemented by a limit on the number of migrants to be admitted into specific sectors of the labour market. In all cases, decision-making processes were informed by migration forecasts.

Following the developments related to this issue in the Netherlands, where for a while a moral panic about potential mass migration featured in parliamentary and media debates (Pijpers, 2006), the apparent importance of numbers therein caught my attention. According to just a couple of Dutch media headlines, ‘mass’ can imply anything from ‘millions’ of people in the long term, through ‘hundreds of thousands’ in the short term, to ‘between 30,000 and 70,000’ on an annual basis. Where did these numbers come from? What assumptions were made when calculating them? What is ‘short term’, and what is ‘long term’? And, finally, what role can be attributed to guesstimated migration figures in moral panic narratives? In this chapter, I take a closer look at these questions and draw conclusions about the science-policy interface relevant to the making and application of migration forecasts.

My argument is centred on a number of steps. The following section makes a distinction between model-based and survey-based forecasting techniques. On the basis of six exemplary forecasts arising from the EU enlargement process, I review these techniques and their relative success in predicting migration flows. One of the points made here is that most model-based migration forecasts are founded on neoclassical migration theory, notably the Harris-Todaro model. A discussion of this model precedes a more in-depth section about the scientific traditions within which migration forecasts can be placed. Insights from neoclassical economics and spatial science, a form of human geography popular in the 1960s and 1970s, help to explain the assumptions underlying model-based migration forecasts. Both fields celebrate notions of equilibrium, place and sociospatial order, and consider movement a manifestation of temporary disequilibrium.

The subsequent section provides a critique of these views, inspired by David Sibley’s work on the role of aesthetics in spatial science. Model-based migration forecasts offer a high degree of abstraction, which speak to a latent desire for sociospatial, aesthetic order. The aesthetic value attached to ‘orderly’ migration research, however, is a construct of the human mind and does not necessarily

correspond to real migration dynamics. In fact, there is a mismatch between the orderly nature of model-based migration forecasts and the rather messy temporary, circulatory character of East-West migration flows in the EU. I conclude the chapter by suggesting that when entered into the sphere of policy-making, migration forecasts provide an artificial certainty that may indirectly strengthen the case for restrictions put forward by claims makers in parliament and society.

5.2 The long-term order revealed by model-based migration forecasts

Making migration forecasts is a highly skilled job, one that requires advanced knowledge of mathematical and statistical methods as well as the ability to comply with a great many conceptual and methodological difficulties (Straubhaar, 2001; Kupiszewski, 2002; Brücker, 2003). One problem, for instance, relates to the definition of international migration, which, very broadly, may be 'leaving one's accommodation in addition to leaving the country' (Kupiszewski, 2002, p. 629). Obviously, the particular migration definition employed in a forecast has far-reaching consequences for the required data and in turn for the study's outcomes. Table 1 presents six high-impact migration forecasts (high-impact in the sense that they were all prepared for key policy-making institutions, a matter to which I return later). Moreover, these studies cover large geographical areas and are therefore widely cited in academic and policy literature on East-West migration in relation to EU enlargement. The forecasts were made by Bauer and Zimmermann (1999), Boeri and Brücker (2000), Fassmann and Hintermann (1997), Hille and Straubhaar (2001), Sinn et al. (2001) and Wallace (1999). The authors are experts in migration research with academic backgrounds in geography, economics and sociology and have published widely on East-West migration.

Table 5.1: High-impact migration forecasts

Study and author(s)	Client	Method	Destination countries	Origin countries	No. of migrants in how many years	Percentage of population
Bauer & Zimmermann, 1999	Department of Education and Employment, UK	Econometric modelling / Data extrapolation	EU-15	Poland, Hungary, Czech Rep., Slovak Rep., Slovenia, Estonia, Latvia, Lithuania	2,500,000 in 15 years	3 %
Boeri & Brucker, 2000	EC, Employment, Social Affairs and Equal Opportunities DG	Econometric modelling / regression analysis	EU-15	Poland, Hungary, Czech Rep., Slovak Rep., Slovenia, Romania, Bulgaria, Estonia, Latvia, Lithuania	3,700,000 in 15 years	3.7 %
Fassmann & Hintermann, 1997		Survey / Migration potential	Western Europe, USA, Canada, Australia, Poland, Hungary	Poland, Hungary, Czech Rep., Slovak Rep.	4,000,000 long-term general migration potential 700,000 long-term actual migration potential	7.6 % 1.4 %
Hille & Straubhaar, 2001	OECD	Econometric modelling / Data extrapolation	EU-15	Poland, Hungary, Czech Rep., Slovak Rep., Slovenia, Romania, Bulgaria, Estonia, Latvia, Lithuania	188,000 – 396,000 annually (!)	0.2 – 0.4% annually (!)
Sinn et al., 2001	Ministry of Employment and Social Affairs, Germany	Econometric modelling / regression analysis	Germany	Poland, Hungary, Czech Rep., Slovak Rep., Romania	3,200,000 – 4,000,000 in 15 years	4 – 5 %
Wallace, 1999	International Organisation for Migration	Survey / Migration potential	EU-15, USA, Poland, Hungary, Czech Rep., Slovak Rep., Slovenia	Poland, Hungary, Czech Rep., Slovak Rep., Slovenia, Romania, Bulgaria, Croatia, FR of Yugoslavia, Ukraine, Belarus	13 – 68 % short-term migration potential 18 – 57 % long-term migration potential 7 – 26 % permanent migration potential	

Study and author(s):	Model specifications:
Bauer & Zimmermann, 1999	$\ln(\text{Emigration}_{\text{srt}}/\text{Population}_{\text{st},1}) = \beta_0 D_s + \beta_1 \ln(\text{Unemployment Rate}_{\text{st},1}/\text{Unemployment Rate}_{\text{rt},1}) + \beta_2 \ln(\text{Real GDP}_{\text{st},1}/\text{Real GDP}_{\text{rt},1}) + \varepsilon_{\text{srt}}$ <p>Where s: sending country, r: receiving country, t: year, D: dummy variable for sending countries, Real GDP: inflation-adjusted Gross Domestic Product, ε: error term.</p>
Boeri & Brücker, 2000	$\text{mst}_h^* = (\beta_4 / -\beta_7) \ln(w_f / w_h) + (\beta_5 / -\beta_7) \ln(e_f) + (\beta_6 / -\beta_7) \ln(e_h) + \beta_8 / -\beta_7 \text{FREE} + (\beta_9 / -\beta_7) \text{GUEST} + (\beta_{10} / -\beta_7) \text{COUNTRY}$ <p>Where mst: ratio of stock of migrants to home population, h: home country, f: foreign (host) country, w: wage rate, FREE: dummy variable for freedom of movement within EU, GUEST: dummy variable for bilateral working agreement, COUNTRY: dummy variable for country-specific effects.</p>
Hille & Straubhaar, 2001	$\text{Migrate}_{\text{t}}^{\text{s,n}} = \beta_0 + \beta_1 \log(1 - Y^{\text{s}} / Y^{\text{n}})_{\text{t},1} + \beta_2 \log(\text{UE}^{\text{n}} / \text{UE}^{\text{s}})_{\text{t},1} + \beta_3 \log(\text{MS}^{\text{n}})_{\text{t},1} + \beta_4 \log(D^{\text{ns}}) + u_t$ <p>Where Migrate: ratio of stock of migrants to home population, s: southern (emigration) country, n: northern (immigration) country, t: year, y: per capita income, UE: unemployment rate, MS: stock of migrants, D: distance variable, u: error term.</p>
Sinn et al., 2000	$B_t^* = \alpha_0 + \alpha_1 YV_t + \alpha_2 G_t + \alpha_3 EU_t + \alpha_4 FR_t + \alpha_5 B_{t-1}$ <p>under the condition that $W_z(1 - \gamma u_z) \geq W_h(1 - \gamma u_h)\phi$</p> <p>Where B: ratio of stock of migrants to German population, t: year, YV: ratio income per capita Germany to income per capita sending country, G: output gap in Germany, EU: dummy variable for EU-membership sending country, FR: dummy variable for free movement within EU, W: wage rate in sending (Herkunft, h) and receiving (Ziel, z) countries, u: unemployment rate in sending and receiving countries, γ: individual probability of finding a job, ϕ: preference variable measuring non-financial advantages in sending country versus receiving country.</p>

Sources: Bauer & Zimmermann (1999), Boeri & Brücker (2000), Fassmann & Hintermann (1997), Hille & Straubhaar (2001), Sinn et al. (2001), Wallace (1999), Fassmann & Münz (2002) and Kunz (2002)

The studies presented in table 5.1 employed a variety of forecasting techniques. Model-based migration forecasts (such as the ones by Boeri & Brücker and Sinn et al.) use regression analysis based on EU-wide data sets, including for example gross domestic product and unemployment. Others (like Bauer & Zimmermann and Hille & Straubhaar) extrapolate migration data from the EU's enlargement with Spain, Portugal and Greece in the 1980s to the recent eastward expansion.

To the best of my knowledge, survey-based migration forecasts are the only alternative to the model-based migration forecasts described in the current literature. These studies (such as those by Wallace and Fassmann & Hintermann; see table 5.1) focus on the migration intentions people may have. Depending on the time-frame chosen, some 57 – 68 per cent of the population was reported to be considering moving to West European Member States after enlargement (Wallace, 1999). It would seem, however, that survey-based forecasts run the risk of wrongly suggesting a high migratory pressure on the EU's internal borders (Kupiszewski, 2002). This is because people may easily respond positively when asked about potential future migration plans in a survey or interview. It is far less likely that every potential migrant will actually migrate if the chance arises.²⁹ Thus, some ridicule survey-based migration forecasts as being 'simple back-of-the-envelope calculations' (Brücker, 2003, p. 12). Marek Kupiszewski is very outspoken about the concept of migration potential:

Constructing forecasts of future migration flows without being able to demonstrate what percentage of those who had declared an intention to migrate actually migrated makes no sense whatsoever. (Kupiszewski, 2002, p. 636)

Indeed, past experiences with migration forecasts (e.g. in the case of previous EU enlargement rounds) suggest that model-based migration forecasts in general correspond better to real migration numbers and/or percentages than do survey-based migration forecasts (Straubhaar, 2001; Kupiszewski, 2002; Brücker, 2003).

²⁹ Fassmann and Hintermann (1997) seek to overcome this problem by differentiating between 'general' and 'actual' migration potential (general versus concrete migration intentions; see also Fassmann & Münz, 2002). Wallace's study (1999) distinguishes between short-term, long-term and permanent migration potential.

Table 5.1 shows that the outcomes yielded by the four model-based forecasts are surprisingly similar, despite the variety of model specifications, definitions and time ranges employed. It is estimated that in the long term (i.e. 10 – 15 years post-enlargement), 3 to 5 per cent of the population of the new Member States will have moved permanently to old Member States. Also found in the empirical literature on the EU's southward expansion in the 1980s and in research on other large-scale migratory movements elsewhere, this percentage range is considered a 'rule of thumb' (Straubhaar, 2001; Brücker, 2003). Hence, the outcomes of model-based migration forecasts suggest that there is a recurring order in long-term migration dynamics. At first sight, the large number of factors influencing international migration seems to represent a highly non-transparent and immeasurable chaos. Yet, model-based forecasts produce steady results in terms of estimated long-term and permanent migration numbers and/or percentages.

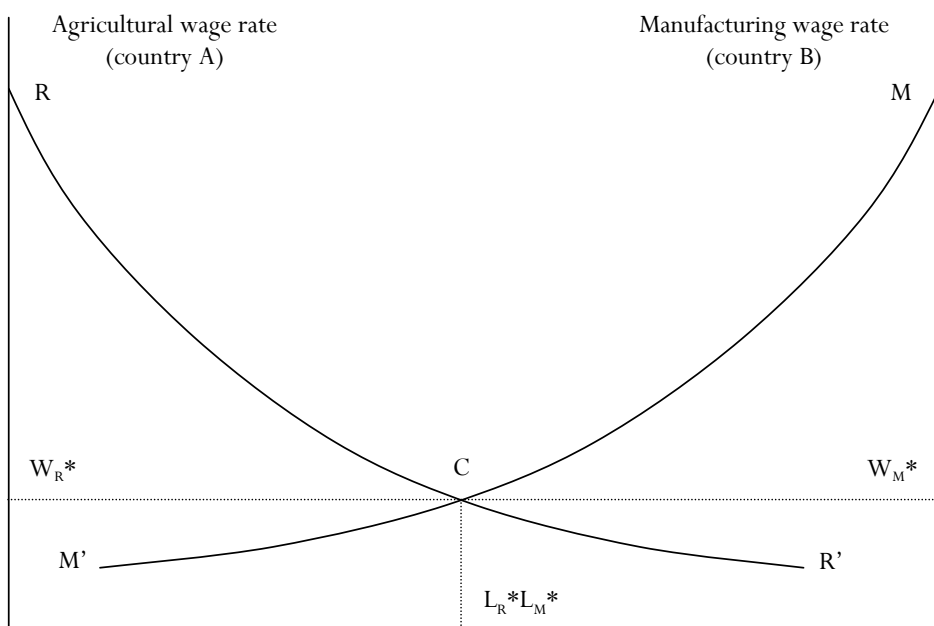
5.3 Bright city lights: the temptation of expected income gain

A remarkable conclusion can be drawn from the model specifications of these four model-based forecasts in the lower part of table 5.1. All four of these operational econometric models are highly sophisticated in terms of mathematical complexity and know-how, and all are based on the theoretical Harris-Todaro migration model that was developed in the late 1960s by economists John Harris and Michael Todaro. The model describes migration from rural to urban areas in a two-sector type analysis, with manufacturing activities located in cities and agricultural activities located in the countryside. Despite the harsh living conditions awaiting them in the capital cities of developing countries, many people are tempted by 'bright city lights', perceiving urban wages as higher than those gained in rural areas (Harris & Todaro, 1970). Therefore, an important characteristic of the Harris-Todaro model is that it takes into account expectations of future income, thereby deliberately ignoring the question whether these expectations are realistic. Since the focus of this chapter is on international migration, I continue describing this model as a two-country situation, assuming that any new EU Member State (except Cyprus and Malta) would correspond to country A and that any old one fits the profile of country B. Suppose country A specialises in the production of agricultural goods, whereas country B produces manufactured goods. Steered by the 'invisible' hand, an

unimpeded movement of labour would automatically lead to a stable migration equilibrium situation wherein wages of both agricultural and manufactured products reach the same level (see figure 5.1). The horizontal axis represents the total amount of available labour: $L = L_A + L_M$. This amount is divided equally over both sectors and, hence, countries.

Harris and Todaro, however, start from the more realistic assumption that wages in the manufacturing country are institutionally determined (through the efforts of labour unions, for instance) at \hat{W}_M .

Figure 5.1: Migration equilibrium

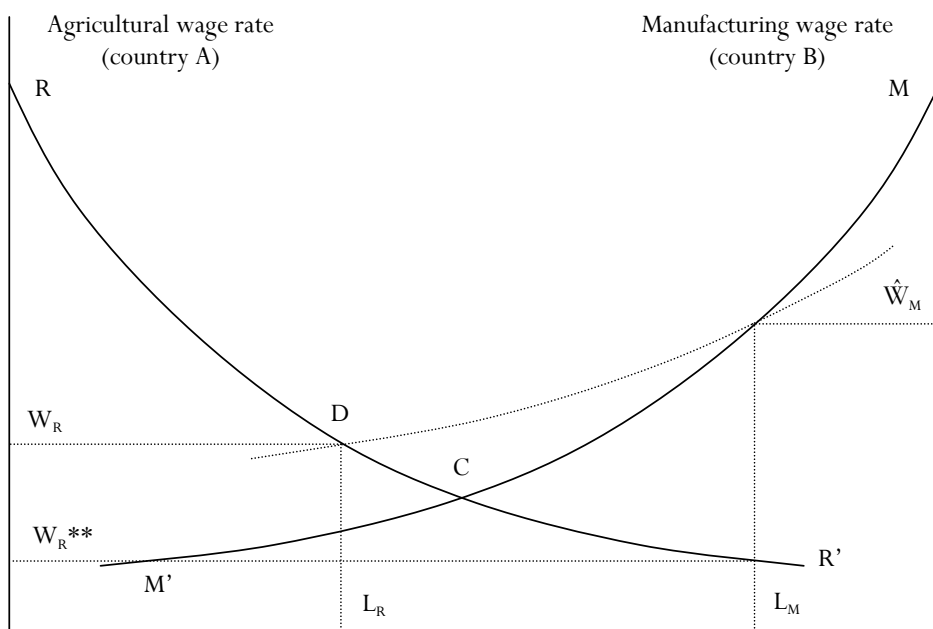


Sources: based on Harris and Todaro (1970) and Todaro (1997)

Figure 5.2 shows that this minimum wage level is fairly far above W_R , thus providing an incentive for migration towards country B. However, the existence of artificially high wages in manufacturing discourages employers from hiring workers, which in turn causes unemployment (the perfect geometries shown in figure 5.1 indicate full employment). For potential migrants, the decision to migrate becomes a trade-off

between higher expected earnings and the possibility of ending up jobless. The dotted curve in figure 5.2 visualises the probability of finding a job in country B that is necessary to equate agricultural income with manufacturing expected income. At these points, a potential migrant is indifferent to where jobs are located (Todaro, 1997). The horizontal axis in figure 5.2, which again represents the total labour pool in the two countries, shows L_R to L_M workers unemployed and as a consequence often forced to engage in informal-sector activities. Migration is a ‘disequilibrium phenomenon’ (Harris & Todaro, 1970, p. 129).

Figure 5.2: The Harris-Todaro migration model



Sources: based on Harris and Todaro (1970) and Todaro (1997)

The model’s hypothesis is echoed in the proxy variables that signify expected wages in the manufacturing country, used in all four operational models. These proxies are normally created by weighing income or wages by the inverse of unemployment rates (Bauer & Zimmermann, 1999; see also Brücker, 2003). Although each study

uses slightly different proxy formulations, as the lower part of table 5.1 shows, the general idea is that:

$$W_B^E = \hat{W}_M L_M/L_B$$

The expected wage in B, W_B^E , is thus equal to the real minimum wage \hat{W}_M adjusted for the proportion of the total labour force in B (domestic workers plus immigrants, denoted as L_B) actually employed, L_M/L_B (based on Harris & Todaro, 1970). The stylised models express the share of immigrants in the population of the receiving country at time = t as a function of, typically, wages and/or employment or unemployment rates in both sending and receiving countries. In addition, variables denoting specific factors such as geographical distance to the receiving country, as well as dummy variables representing, for example, EU membership or non-membership, are included. Despite these differences in formulations and choice of additional variables, however, the four forecasts, like Harris and Todaro, emphasise expected wages as determining factors for people to decide to migrate.

5.4 Aesthetic order in neoclassical economics and spatial science

The Harris-Todaro model in neoclassical migration theory seeks order in the complex issue of internal (rural-urban) migration in developing countries, and in that sense also produces orderly, albeit not fully symmetric geometries: the distorting influence of real-life institutions caused by downward inflexible wages is clearly visible in figure 5.2. These geometries, like numbers, are outcomes of mathematical and statistical models that are often highly sophisticated in nature, and are always based on assumptions that aim to simplify the complexities of real life. Within positivist epistemology, one cannot make scientifically valid statements about social problems without some form of simplification, which is what a mathematical model basically is. Neoclassical migration theory is underpinned by premises of neoclassical economic theory such as perfect information and rational action (Sheppard, 2001). Key principles in the quest to simplify complexity are maximisation and equilibrium, end-goals by which the science of ‘economics’ brings order to the reality of ‘the economy’, subject to so many uncertainties. Economist Paul Krugman writes:

What we do when we construct an economic model is to try to use those two principles [maximisation and equilibrium] to cut through the complexities of a situation. And the remarkable thing is how often that effort succeeds ... the basic principles of economics tell us that there is an unexpected order in the outcome, which is quite independent of the details. (Krugman, 1995, p. 75)

Krugman's words reflect an enthusiasm that is supported by the literature on the value of aesthetics in practising mathematical research (Penrose, 1974; Davis & Hersh, 1981; Sinclair, 2002). Sinclair, for example, attaches a number of aesthetic roles to the different phases of the mathematical research process (Sinclair, 2002). The satisfaction experienced when pursuing a line of inquiry, as well as the 'transforming effects' felt when coming to new mathematical understandings, are proofs of 'the aesthetic quality of ... mathematical experiences' (Sinclair, 2002, p. 46). The way the quantitative researcher bridges the seemingly unbridgeable gap between the aesthetics of orderly research and real life is elegantly described in a recent text by Ivan da Costa Marques, who writes that 'mathematics construct the gates or frontiers that separate a hidden, stable, coherent and incorruptible world, Nature, from Society' (2004, p. 75). In this view, disorder in the world is but a perception, for the global, like the local, is just a matter of scale. Structure exists at every thinkable spatial scale, and therefore teasing out 'a grand narrative from a sufficiently enlarged frame' through mathematical ordering is by definition possible (ibid., p. 77).

While thinking about model-based migration forecasts, my attention was drawn to an issue that seems to pop up every once and a while: space, policy and the whereabouts of quantitative geographical inquiry, for instance in the field of population geography. In recent years, for example, several special issues in both *Environment and Planning A* and *D: Society and Space* have been dedicated to the place of numbers in geography (Sibley, 1998b; Barnes & Hannah, 2001; Doel, 2001; Sheppard, 2001; Da Costa Marques, 2004). In recent decades, geographers have shown a decreased interest in the use of numbers (as a rather straightforward synonym for mathematical and statistical methods) as 'connecting' variables that bridge the allegedly separate spheres of nature and society (Barnes & Hannah, 2001). Their main concern is that highly abstracted, quantified patterns of sociospatial interaction lack meaning in real life. In the introduction to a collection of texts

devoted to quantitative methods in relation to the science-policy interface, Barnes and Hannah (*ibid.*, p. 379) state that:

... a sensibility that we think geographers should share, is the recognition of the complicit power of numbers. Numbers create worlds embedded within wider social projects turning on authority and control. The consequences are profound.

To me, a number is not a 'horror story', to paraphrase Doel (2001), but rather raises mixed feelings of attraction as well as reservation which are perhaps best termed 'Janus-like' (Olsson, 1980). In the beginning of my research on East-West migration, I was eager to get a firm grip on the estimated volumes of migration flows instigated by the eastward expansion of the EU. Reading migration forecasts supplied a kind of numerical certainty in this respect. Yet, I also came to share the conviction that numbers produced by science, in this case migration forecasts, may indeed contribute to some extent to 'controlling' social engineering, in this case restrictive migration policy.

In elaborating on this suggestion, I shall refer to David Sibley's work on the role of aesthetics in spatial science. Early in his career as an academic researcher, Sibley watched regression parabolas being visualised on a computer screen. Struck by the order and beauty of these otherwise simple geometries, he describes the experience as very 'aesthetic' (Sibley, 1998b). However, the orderly geometries displayed on screen sharply contrasted with Sibley's research experiences acquired in the field when studying policies towards Gypsies and other minorities in the UK. He recalled:

My enthusiasm for such simple geometries was soon followed by disquiet about the impact of neat and ordered plans on the lives of the peripheral minorities whose cultures were represented by social control agencies as disordered. Geometries that had formerly seemed beautiful appeared oppressive when they proved the principles for designing settlements and sites. Their impact on the lives of the Inuit and Gypsies was largely negative. (Sibley, 1998b, pp. 235-236)

Among other goals, spatial planning in the UK in the early 1980s was directed towards the creation of living space for those minorities considered outsiders 'within' British society. By organising settlements in the form of typically British-style neighbourhoods with fenced and walled parcels, national and local planning departments enabled Gypsies and other travelling people to live a place-bound life, thereby normatively assuming that such a life is what they really should be living and, moreover, what should enhance their sociocultural integration. In this case, perfect geometries in the form of planned spatial order were imposed upon people who had of old been inclined to lead nomadic instead of sedentary lifestyles (Sibley, 1998b). The tension between the aesthetics of perfect order and the strong sense of injustice Sibley felt when seeing this order turned into real-life policy practice encouraged him to propose 'exploratory data analysis'. This 'disorderly' alternative to more conventional research designs framed by the sequence theory - method - practice, emphasises the interplay of theory and empirical data (Sibley, 1998b).

Although this is not the place to reflect further on exploratory data analysis, the many examples Sibley draws from spatial science in order to illustrate his point are highly relevant to this chapter because of the intrinsic contrast between location (place) and movement on the one hand, and the strong similarities between the theories of location and of movement in spatial science on the other. The well-known central places theory of Christaller³⁰ and Lösch in location analysis (as a precursor of spatial science) models the 'optimal' spatial distribution of economic activities in such a way that landscapes appear as hexagon-shaped, isotope spaces draped around central marketplaces. An insightful essay by Peter Gould makes it clear that for Lösch, as a 'child' of a time of absolute belief in the ideal of certainty and mathematics to obtain certainty, geometric symmetry was sacrosanct. Although aware of the complexity of relations in a landscape and convinced of the need to produce 'actual knowledge on a real area', Lösch avoided any indulgence to geometric symmetry in the argumentation substructuring his writings (Gould, 1999, p. 280).

³⁰ Research by Marc Rössler has suggested that Christaller co-worked on a planning implementation of his central places theory during the Nazi regime, which considered 'efficiency and economic viability of the spatial order ... essential for building a rational society' (Rössler, 1989, p. 423). The 'General Plan of the East' draws on elements from central places theory to substantiate the proposed construction of a 'truly German and Aryan community' in occupied Poland. The plan was never realised.

Dominant conceptual approaches to the movement of people were quite similar to those in location theory. Tim Cresswell writes that many of the geography textbooks published in the 1960s or 1970s featured issues of mobility and migration, albeit in a peculiarly abstracted fashion, stripped of their social meaning (Cresswell, 2001). William Bunge's *Theoretical Geography* (1962), for example, frames very different subject matters, ranging from people through water and electricity to goods, into a 'general theory' of movement. In these and other textbooks, characteristics of place, of potential final destinations, are considered the main motivations for people to migrate. Migrants are assumed to assess alternative locations differently, which finds expression in the construction and analyses of such concepts as push factors, pull factors and place utility. A decision to move is subsequently based on the comparative weight of these different locations, conditioned by 'transferability', namely the physical ability to move (Cresswell, 2001). Hence, spatial science regards or regarded movement as being vital to the dynamic of the spatial economy. Yet, as disequilibrium phenomena, mobility and migration are first and foremost means, literally means to the same end, that is, to reach sociospatial equilibrium and to create aesthetic order.

5.5 The abjection of disorder in the assumptions of migration forecasts

The problem with this argument, however, is that the very notion of order appears only when looked for, for 'order and chaos are not part of nature but of the human mind' (Haggett, 1990, p. 16). In other words, the human mind constructs the aesthetic value attached to, in this case, orderly research. Cognitive psychology teaches us that, although to a different extent, everybody wishes to 'attain a clear sense of border' in social relations with others. In the words of Sibley:

Things which threaten clear boundaries are abject and abject things are a persistent danger. Rooted in the unconscious, they are experienced as sensations of discomfort and unease. (Sibley, 1998b, p. 237)

This unconscious, latent association of disorder with abjection reified in a modernist aesthetic, characterised by 'geometric form and spareness of expression', in arts and architecture (Amariglio, 1990, p. 18). In turn, traces of a modernist aesthetic can be

identified in the working practices of abstraction and simplification adhered to in neoclassical economics and spatial science. The quest for maximisation (or minimisation, for that matter) and equilibrium of socioeconomic and sociospatial interaction expresses 'the abject status of the disordered and unpredictable' (Sibley, 1998b, p. 237).

The importance in neoclassical migration theory of points and places – both of which are easily recognisable in the geometric and descriptive representations of the Harris-Todaro model – can once more be underlined here. According to Cresswell, place is a fundamental form of classification, and in turn, classification by place is a key ideological mechanism addressing the human mind's latent preference for order (Cresswell, 1996). This ideological mechanism functions as follows:

... the removal of beliefs and actions from their sociological roots and their placement in the realm of 'nature'. The materiality of place gives it the aura of 'nature'. The 'nature' of place can thus be offered as justification for particular views of what is good, just and appropriate. (Cresswell, 1996, p. 161)

Again, this is not to say that mobility and migration are assigned an abject status by neoclassical economics and spatial science, but the association with abjection does suggest reservations with respect to movements other than one-way and permanent (Cresswell, 2001). To put it baldly, in the assumptions behind model-based migration forecasts, being on the move is associated with 'not belonging' (Sibley, 1998a, p. 94). Movement is dysfunctional if it is not initiated for the sake of linearity, if it meanders without demonstrable or estimable end. In turn, this explains why the path, the dynamic towards equilibrium itself, is often underestimated or even ignored in these kinds of migration studies. Based on such an important premise, abstract mathematical modelling techniques and sophisticated statistical exercises cut through the complexities of international migration, as Paul Krugman phrased it, rather well. The 3 to 5 per cent 'rule of thumb' confirms the apparent success of model-based migration forecasting over and over again. The numerical and geometrical world exposed in the main texts and annexes of study reports not only radiates craftsmanship and reliability, but also reflects a celebration of place (in terms of final destination), linearity, optimality and equilibrium. Much like Harris and Todaro formulated migration as a temporary disorder, as a

disequilibrium phenomenon vanishing into the equilibrium state, forecasters across the EU associate the 'West' in East-West migration with 'end'. An 'East-to-West' dynamic is measurable and, hence, orderly. In a way, therefore, a 'classical belief' in sociospatial order that is 'still modern practice,' is mirrored in the epistemology and methodology of model-based migration forecasts (van Houtum, 2003, p. 9).

However, there is undeniably a mismatch between this febrile fascination with the long term as well as with the alleged linear relationship between home base and final destination, and real East-West migration dynamics. Several critics argue that the rule of thumb fails to take in to account non-permanent forms of migration within the EU, such as seasonal migration, circulatory migration and cross-border commuting (Straubhaar, 2001; Wallace, 2002; Kupiszewski, 2002). Many workers in agriculture, domestic services or construction stay for a limited period of time. Others alternate several weeks or months in their country of destination with short returns home. Also, lately, migration to the EU's new Member States has increased more than emigration from these countries has (Wallace, 2002). Precisely due to the migration restrictions imposed in the 1990s by the traditional destination countries of Western Europe, the transit zone that was Central and Eastern Europe is now also a destination region. Particularly intra-regional cross-border mobility has grown in terms of volume and intensity (*ibid.*). What is more, migration forecasts underestimate the power of immobility. This power can be explained by what van Houtum and van der Velde (2004) call the 'threshold of indifference', reflecting the situation in which one decides not to engage in cross-border labour mobility. For many potential migrants in the EU, the national 'habitus' functions as a strong 'indifference factor' towards labour markets beyond the national border (van Houtum & van der Velde, 2004). In this view, people think less exclusively in terms of expected income gain than for instance the Harris-Todaro model predicts:

The economist's belief in money as the only factor which makes people move is very outdated and many economic models just ignore the vast body of research on migration conducted over the last three decades. (Kupiszewski, 2002, p. 642)

Although money is indeed a reason for citizens of new Member States to migrate, this migration flow is temporary and circulatory in nature, and is likely to dry up once the need for habitus supersedes the need for income gain. By assuming the

places of origin and destination, and by assuming away sociocultural factors encouraging people to return, most migration forecasts overestimate the (self-defined) long-term and underestimate the ‘messy’ short-term and mid-term dynamics of international migration.

5.6 The other face of Janus: real ambiguity versus artificial certainty

Having made these critical remarks, I now turn to the effect that migration forecasts may have on migration policy. Intense fears of mass migration in parliaments and media in the old Member States made policy makers and politicians look for numerical certainty regarding the volume of East-West migration flows after EU enlargement. Directly intervening in fear narratives in politics and media, attempts to provide this certainty were made in a large series of both model- and survey-based migration forecasts. Five of the six forecasts presented in table 1 were prepared for national governments and institutions ranging from the OECD (Hille and Straubhaar), the International Organisation for Migration (Wallace), the EC (Boeri and Brücker as well as a 2003 update by Brücker), to federal ministries of national governments (Sinn et al. for Germany and Bauer and Zimmermann for the UK, respectively). It seems as if there was a demand for migration forecasts from the side of policy makers in the years and months prior to enlargement. However, despite yielding ‘orderly’ findings for the long term, in most old Member States, migration forecasts did not manage to comfort moral panics about mass migration (Pijpers, 2006). So, what, then, was the relevance of migration forecasts to policy makers? Restricting evidence to the case of the Netherlands, I shall give a tentative answer to this question.

Basing himself on mixed feelings similar to Sibley’s ambivalence towards geometric order in the scientific world and planned order imposed on the life-world, Gunnar Olsson states that in the translation of social science into social engineering:

The ‘ought’ of justice disappears in the wings, invisibly stabbed by the ‘is’ of methodology. Exit man with his precious visions, hopes and fears. Enter the

Thiessen polygons with their distance minimizations and cost-benefit ratios.³¹
Exit real ambiguity. Enter artificial certainty. (Olsson, 1980, p. 203b).

The adjective ‘artificial’ beckons here because the strong association of number (mathematics and statistics) with order and certainty, in positivist epistemology and human action alike, is deceptive: there are many domains within the realms of nature and society that simply cannot be ‘captured’ through calculation (Da Costa Marques, 2004; Olsson, 1980). These domains are elusive. They may be present in the natural and life worlds but are absent from mathematical exercise (Da Costa Marques, 2004). At best, then, numbers replace real-life ambiguity with artificial certainty.

Short- and mid-term migration dynamics – such as seasonal migration, circulatory migration and cross-border commuting (e.g. from Poland to Germany or from Hungary to Austria) – are telling examples of spatio-temporal absences from mathematical ordering processes. In the Netherlands, policy makers were particularly interested in the immediate mobility responses to an opening of the border after enlargement, which might pose immediate threats to domestic labour markets. The Dutch government asked a renowned scientific economic advisory body, the Netherlands Bureau for Economic Policy Analysis, to report on the estimated numbers of workers from new Member States entering the country. This institution first compiled the findings of several migration forecasts, including four of the six studies highlighted in this chapter. It then extrapolated and rearranged long-term migration numbers and percentages to conclude that between 3500 and 8500 additional migrants were to be expected in the Netherlands immediately after EU enlargement (de Mooij et al., 2004). In absolute terms, the numbers in this range are not very high, particularly with regard to the tens of thousands of seasonal workers from Central and Eastern Europe who were already working each year in the Netherlands, but were left unmentioned. However, as said before, it is very difficult and perhaps impossible to accurately model and precisely estimate short- and mid-term migration dynamics. The Dutch solution, hence the random extraction of one moment in these dynamics from the expected long-term

³¹ Olsson’s reflection here concerned the redrawing of regional boundaries for purposes of equal health care distribution in Sweden, which was based on the Pareto variant of the social gravity model. The construction of the modern welfare state according to Pareto’s famous optimality principle has allegedly contributed to a ‘rising alienation’ in Sweden (Olsson, 1980).

equilibrium situation, provided artificial certainty in this sense. The advisory body itself concluded that: 'In the light of the uncertainties at stake in this forecast, higher numbers cannot be ruled out' (de Mooij et al., 2004, p. 9; my translation).

But, unfortunately, artificial certainty was not good enough an argument in Dutch political and public debates on potential mass East-West migration. In addition, another unresolved worry in these debates was that the 2004 enlargement round, involving so many economically less developed countries, had 'no precedent'. The consequences of enlargement for labour mobility remained uncertain in the eyes of policy makers, also in the long term. Despite the relatively modest inflow that was estimated, the Dutch government decided to close the majority of sectors of the labour market to workers from new Member States. The desire for order in terms of numerical certainty thus revealed a deeply rooted unease with the reverse, with disorder. Instead of allaying fears of mass migration, the less than maximum, non-absolute certainty offered by migration forecasts only reinforced unease and therewith became a complementary argument supporting the reasoning of those who were in favour of restrictions. In the translation of migration forecasts into migration policy, the dispassionate action of deciding under uncertainty proclaimed by neoclassical thought became part of a value-laden politics of fear.

The well-known Lucas critique in economics warns that any change in policy may alter the expectation of economic agents, which in turn may change their behaviour (Hendry, 2002; Straubhaar, 2001). The structure of most forecasting models does not allow for this change in expectations, and that is precisely why they must be presented as policy advice with the greatest caution. In the case of East-West migration, the Lucas critique implies that due to political decisions to impose transitional restrictions, informed by for example migration forecasts, potential migrants might decide to stay put or to seek alternative, perhaps illegal pathways in order to enter labour markets in Western Europe. Future research has to show whether, or in which respect, these claims are valid.

5.7 Conclusion

I have argued that, at the moment, model-based migration forecasts are the best tools for estimating the volume and impact of future migration flows (in this case of

migrant workers from new EU Member States) despite, or rather because of, their highly abstracted nature. Creating unexpected order from apparent chaos, they are excellent reminders of the spatio-temporal recurrence of migration flows, which take and have taken place neither solely in a context of EU enlargement, nor exclusively in the here and now. This being said, from the ideas raised in this chapter one might easily conclude that migration forecasting is a rather unsatisfactory research activity in which to engage. This is because most model-based forecasts yield steady and to some extent reassuring outcomes, yet restrictive migration policies may be introduced regardless of these outcomes. The current labour market restrictions imposed by old Member States with regard to migrant workers from new Member States illustrate the intensity of mass migration fear narratives, wherein short-term concern prevails.

The subjacent *raison d'être* of migration forecasting, or for that matter of the policy action of having migration forecasts made, are the 'orderly' assumptions provided by neoclassical economics and spatial science that are held onto. These assumptions speak to a latent desire for aesthetic sociospatial order. In such research surroundings, movement is seen as a temporary disequilibrium, a means to reach this order. Hence, in theory, model-based migration forecasts are order-discovering projects. In practice, however, migration forecasts fail to provide absolute numerical certainty with regard to the many real ambiguities surrounding international migration. This implies that the appealing aesthetic order that model-based migration forecasts reveal at first sight, is ultimately unconvincing and remains open for further discussion if not to say strategic interpretation. The forecaster and the policy maker or politician each attach different values and meanings to numbers. Whereas the former may experience aesthetic quality when successfully carrying out a demanding methodological challenge, the latter has the difficult task of communicating artificial certainty to influential claims-making actors in parliament and society (Pijpers, 2006).

Theoretical attention to the sociology of movement and to the agency of those who move has increased considerably in recent decades. Regarding the principles of maximisation and equilibrium as matters of secondary or less importance, the cultural and critical turns in geography have profoundly and perhaps irrevocably changed conceptual orientations and research practices, arguably leaving spatial science as 'something some people did a long time ago' (Sibley, 1998b, p. 244). Back then, the migratory movement of people was largely regarded as

‘dysfunctional’, if deviating from linearity (Cresswell, 2001). Now, ‘postmodern celebrations of heterotopia’ (van Houtum, 2003) underlie writings in political and cultural geography on transnational social migrant spaces and persistent power struggles within these spaces. Often, however, these works are unknown to policy makers, as many critical scholars are hesitant to intervene in existing decision-making structures. Meanwhile, quantitative researchers with a background in economics or other fields and subfields in which neoclassical equilibrium theory still underpins the directions of inquiry do engage in science-policy interaction, on many occasions responding to the demands of policy makers who continue to trust in artificial numerical certainty, as was argued in this chapter. Fully aware of my own ambivalence towards numbers in research on international migration, I can only but subscribe to its Janus-faced features in regard to scientific explanation and social exclusion.

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Having tentatively argued in the previous chapter that non-linear and non-permanent forms of labour migration from new Member States prevail, the following chapter provides more insight into ‘real’ East-West migration dynamics. In other words: fieldwork time! Resisting the temptation to produce new numbers related to arrival or impact, the chapter reflects the analysis of interviews and conversations with actors who, in some way or another, are dealing with the transitional restrictions in ‘real’ employment or enforcement situations. These are local policy makers, employers, labour recruiters, labour inspectors and the migrant workers themselves.

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Chapter 6

Mobility across borders: contextualising local strategies to challenge visa and work permit requirements

... it is at the margins that accounting intersects with, and comes into conflict with, other bodies of expertise.

Peter Miller (1998, p. 174)

... we may take speech acts as the key to the structuration of society.

Wolfgang Zierhofer (2002, p. 1362)

6.1 Introduction

The disappearance of the Iron Curtain in the late 1980s initially enabled citizens of CEE countries to freely cross national borders that had been virtually closed. However, as a consequence of the aspirations of some of these countries to become part of the European Union, and therewith of the European Internal Market and the Schengen area,³² this freedom was short-lived. This chapter aims to scrutinise mobility strategies that are oriented towards the rapidly changing border contexts ensuing from EU accession. From a conceptual point of view, we position ourselves within the debate on the role of context in the 'new' economic geographies. Empirically, this chapter foregrounds Poland because of its pivotal position in the broader mobility debate in the EU. First of all, Poland has to cope with the consequences of the fact that it is going to be one of the gatekeepers of the new eastern border of what some call 'Fortress Europe', cutting various informal yet well-established trade ties with its neighbouring countries. Second, Poland is also at the centre of the very often heated debates on East-West labour migration following the 2004 EU enlargement round. Yet, although both of these manifestations of mobility are closely related to post-Communist economic restructuring, they are often treated separately in the literature.

³² It concerns the following CEE countries: Estonia, Lithuania, Latvia, Hungary, Poland and Slovakia.

To elaborate a little on this pivotal role, among the requirements of Schengen is the sealing of the EU's outer borders. The introduction in Poland in 1997 of a new Aliens Law, in preparation for the signing of the Schengen agreement, put a sudden halt to the free movement of people across Poland's eastern border, a flow that had flourished since the early 1990s. Within the framework of the Aliens Law, every individual crosser was required to possess a voucher and a legal document stating his/her identity. The law affected mostly Belarusians, Russians and Ukrainians. The other neighbouring countries, due to their ongoing EU accession process, and the old members of the EU were exempt from these obligations. In order to diminish the negative impact of this policy, the Polish government – which was especially worried about the decreasing number of visitors from the former Soviet Union – worked out a set of facilities. These included that for certain types of journeys (business trips or family visits), Belarusians and Russians no longer needed vouchers. Ukrainians who wished to stay in Poland for less than 90 days did not even require a voucher. However, the situation became more difficult in October 2003 when visas were introduced for all travellers from non-EU countries. In order to maintain the profitable influx of visitors from the former Soviet Union, the Polish government again introduced measures aimed at easing the border controls. Although Poland's 'liberal' visa policy is currently tolerated by the EU, it will have to be changed when Poland actually joins the Schengen territory, which is due to happen in October 2007 (van der Velde & Marcinkzak, 2005).

The accession of CEE countries to the EU has brought to the fore a second type of institutional constraint. Having spent years complying with membership obligations – notably the Copenhagen accession criteria and the *acquis communautaire* – accession countries were on the verge of receiving membership rights as well. The free movement of labour, allowing EU citizens to take on paid employment in another Member State, is one of these rights. In early 2004, however, several EU-15 countries restricted labour market access for employees from new Member States, fearing mass inflows of cheap labour after enlargement. More specifically, these fears concerned the consequences of mass migration for national labour markets and national welfare states. The Netherlands and Germany, for instance, orchestrated transitional periods, during which work permit requirements for citizens of new Member States were not lifted, with the exception of jobs in sectors that were facing specific labour shortages. In the spring of 2006, following EU guidelines, the two countries extended these transitional periods for another year and another two years,

respectively. At the EU level, it has been decided that such extensions can be made until 2011, after which Member States are obliged to open their labour markets.

We selected two cases in order to examine the interaction of these changing border contexts and cross-border mobility. The first part of the chapter looks at the functioning of two larger bazaars in the city region of Lodz, Poland.³³ An analysis of the changing attitudes of buyers, sellers and other beneficiaries of these very international bazaars reveals mobility strategies that seek to challenge the Schengen regime. The second part of this chapter is set in the Dutch-German Lower Rhine border region.³⁴ By drawing on case study research in this important destination area for Polish migrant workers, we confront the transitional labour market closure with hiring and employment practices of these workers. We take as a prerequisite that our research findings ought to transgress the immediate case-specific interests of the regions and strategies highlighted, calling attention to a wider context of European integration and mobility across borders. Before turning to the respective case studies, however, we first discuss the issue of the context of economic action, which, although it has never been marginal to economic geography, has received renewed interest in recent years.

6.2 Mobility across borders: theory and practice

The role of context in the 'new' economic geographies

In spatial and regional science and also in more orthodox accounts of 'the political' in economic geography, the context of spatial behaviour is traditionally assumed, rather than made explicit (Scott, 2000). The view on borders and mobility across borders within these approaches makes this perfectly clear. When limiting ourselves to an admittedly oversimplified distinction between neoclassical economic and Marxist development perspectives, grand narratives of structure and self-determination

³³ This case study is largely based on the working paper 'From Iron Curtain to Paper Wall. The Influence of Border-Regimes on Regional Economies and Societies: The Life, Death and Resurrection of the Bazaars in the Łódź-Region' (van der Velde & Marcinczak, 2005).

³⁴ This case study forms part of a doctoral research project entitled 'Between Fear of Masses and Freedom of Movement: Migrant Flexwork in the Enlarged European Union' (Pijpers, forthcoming 2007).

predominate. Neoclassical models predict factor price equalisation through the cross-border mobility of production factors: free flows of trade and labour literally cause interregional or international convergence. Mobility is an option exercised by utility-maximising, free-willed actors. If considered at all, the border here is seen as a discontinuity that increases the marginal cost of interaction (van Houtum, 2000). Marxism-inspired studies instead show the persistence of uneven capitalist development, reinforced by all kinds of regulatory and institutional practices. Key to the investigation of the relationship between mobility and development is the spatial landscape proper, which, as a space that generates surplus value, is a product of prevailing power relations (Mitchell, 2001). In a Marxist perspective, mobility is driven by structures, of which borders and sociospatial bordering processes are indisputably part.

In recent years, many economic geographers – who are referred to as ‘new’ economic geographers in order to differentiate them from overly deterministic predecessors and contemporaries – have started to pay more attention to the role of context (Dicken, 2004; Yeung, 2003, 2005). More precisely:

... the context in which the multiplicity of identities and logics shapes the social practices of economic actors constitutes the key starting point in most recent studies of new economic geographies ... context sets the contingent conditions in which economic action can be realized and analyzed ... Thus the context of economic action becomes a critical component in any economic-geographical explanation. (Yeung, 2003, p. 445)

The space of the region remains an important research interest within economic geography. Yet, in the course of the last decade, it has gradually come to be regarded less as a research object in itself and more as a cut-out of spatio-temporal linkages between economic actors, as a research lens therefore (Bathelt, 2006). Thus theorising the region in comparison to other spatial scales, some have advocated a ‘heuristic approach’, including economic, political and social networks in territorial analysis (Dicken, 2004; Jones & MacLeod, 2004; Bathelt, 2006). Although calls to fully substitute a territorial by a non-territorial (or ‘topological’ or ‘relational’) conception of space are not widely accepted in economic geography, the latter conception:

... is not, in itself, in conflict with the fact that, in terms of jurisdictional and regulatory practices, territorial scales of governance remain fundamental to the organization and operation of the global political economy and its constituent parts. *Bounded political spaces matter*. (Dicken, 2004, p. 9; italics in original)

In our opinion, such a heuristic approach to spatial scale resonates in several respects with the strategic-relational approach (SRA), a contribution to the wider structure-agency debate that is based on the view that ‘... structure and agency are necessarily related ontologically’ (Jessop, 2001, p. 1125; see also Parker, 2000). Developed by the sociologist and political scientist Bob Jessop, this approach explicitly values the issue of scale. Whereas dominant structures are often associated with higher scales, Jessop believes that structurally oriented strategic actions and actors may stem from the local level as well (Jessop, 2001). However, since power is divided unequally between spatial scales, as Yeung (2005) argues in his discussion of ‘relational power geometries’, structures privilege some strategic actions over others. In this sense, structures are strategically selective (Jessop, 2001). We think that the obvious limitations of local actors in regard to power and material resources favour creative entrepreneurship (see also Jessop, 2001). Two entrepreneurial abilities stand out here. In the first place, since spatio-temporal changes in structure and agency are considered to be mutually constitutive in the SRA, the degree of reflexive learning amongst actors is important. The more actors are eager to learn from the intended and unintended consequences of previous actions, the more likely they are to strategically revise their behaviour (Jessop, 2001). Second, such actors do not shy away from consulting associate network actors who are in possession of more advanced knowledge, vocabulary etc., or from confronting opposing network actors. This is the ability:

... to create and manage the knowledge, vocabulary, procedures, rules, and technologies through which economic activity is conducted (e.g. the globalization of accountancy standards or the development of financial reporting). The creation, legitimization, and adoption of such knowledge, rules, and so on generates power for some actors in networks because they are effectively able to reshape the strategy and activities of other actors in networks. (Yeung, 2003, p. 458)

Hence, our hypothesis in this chapter is that the entrepreneurial ability to react to or even anticipate changes in institutional border contexts has the potential to partially influence these contexts. In empirically verifying this claim, we follow Peter Dicken's plea for '... a revitalisation of "regional geography" within a relational framework' (Dicken, 2004, p. 19). Empirical grounding will enable us to join territorial and non-territorial conceptions of spatial scale in the contextualisation of local mobility strategies.³⁵

Beating the system: a first wave of 'primitive' mobility across borders

The literature that took the disappearance of the Iron Curtain as a changing institutional border context, attributed entrepreneurial ability mainly to those who were mobile across borders. For quite a few people in post-Communist societies, earning or supplementing income was so difficult that 'international commuting became their main source of income and *de facto* their "job"' (Iglicka, 2001a, p. 507; italics in original). This phenomenon – shuttle migrants travelling to certain places in order to sell products, and staying there for some days before returning home – has been called 'primitive mobility' (Iglicka 1999, 2001a, 2001b). In the same vein, 'suitcase traders' or 'ants' were the monikers given to people who carried the products they wished to sell in their suitcases (Sword, 1999). The already available skills needed to 'survive' in a Communist society proved to be very valuable here (Pirainen, 1997). In this respect, the literature also points to post-Iron Curtain entry and survival strategies of East-West migrants (Morawska, 2001; Kosic & Triandafyllidou, 2004). Carrying the legacy of a historically grown inclination to 'beat the system', migrant workers actively partake in transnational shuttle communities extending between new and old Member States (Morawska, 2001). Examples of strategies that are being used in these communities include the

³⁵ The assertion that structure and agency cannot be distinguished ontologically (Jessop, 2001) is consistent with the view that context is integral 'to the subject/object under investigation' (Yeung, 2003, p. 445). Hence, the terms structure, agency, context and conduct are used by people who hold the same ontological position. Thematically, however, structure in the SRA often refers to conditions of capitalism (Bathelt, 2006), while new economic geographers also regard local entrepreneurial *milieux* as contexts. From our reading of the SRA and the new economic geographies, we have sufficient reason to believe that macro-level institutional-regulatory arrangements such as visa and work permit requirements can be regarded as structure and as context, respectively.

falsification of visas and the use of the services of smugglers or illegal middlemen. Other people overstay their student or tourist visas (Kosic & Triandafyllidou, 2004).

Continuing the work on 'primitive' mobility by emphasising local strategies to challenge the Schengen visa regime and the transitional restrictions on the free movement of labour, in this chapter we analyse mobility across borders from a slightly different angle. Whereas the literature cited above mostly reports on the strategies of those who are actually mobile, in our two case studies we include region-based actors who have a share in mobilising people but are not necessarily mobile themselves. These can be local entrepreneurs, employers and policy makers, as well as bazaar clients and labour recruiters. However, taking into account to at least some extent the different identities of the economic actors involved in our case studies, we must just as much reckon with the possibility that power is divided among them in asymmetrical ways (Yeung, 2003, 2005; Dicken, 2004).

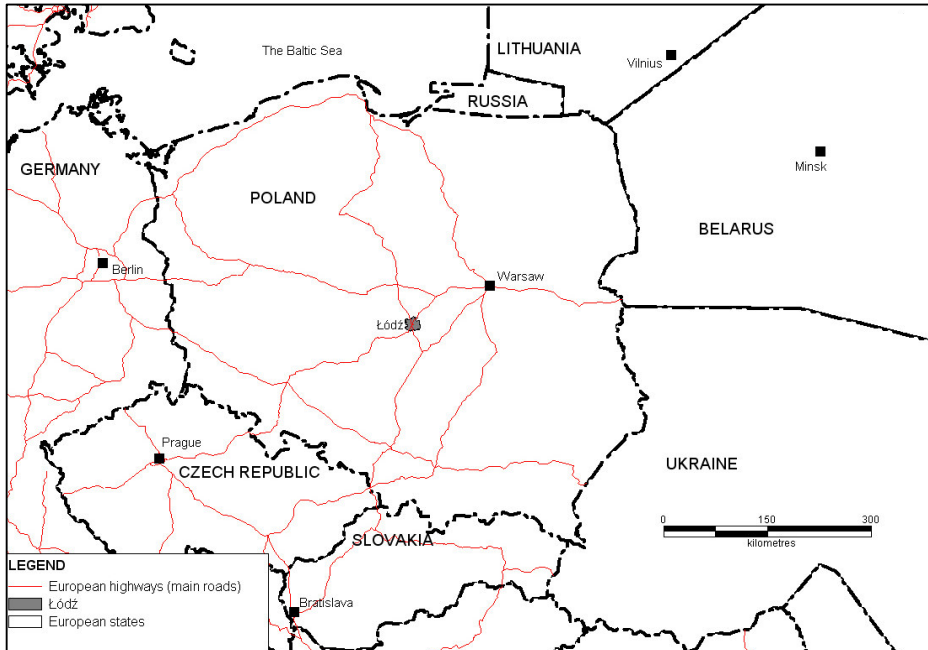
The empirical material collected in both the Lodz city region and the Lower Rhine border region includes interviews, statistical data and background reports. It is supported by field observation. In particular, the functioning of the bazaars in Lodz is analysed by means of 97 standardised questionnaires. The core of the empirical research in the Lower Rhine area consists of 14 in-depth interviews.

6.3 Challenging visa requirements

Bazaar trade in the city region of Lodz, Poland ...

The present socioeconomic situation of the Lodz city region bears a heavy socialist legacy that is closely tied to the textile industry. Although Lodz has been located in the geographical centre of the country since World War II (figure 6.1), it has always been one of the focal points for textile trade with the former Soviet Union. The large bazaars that came into existence after 1989 might be regarded as the offspring of this textile industry. After the dissolution of the Soviet Union, traders as well as buyers from especially Belarus and Ukraine kept coming. At the time, this was easy because of Poland's relatively permeable eastern border. However, this permeability has decreased as a consequence of the Schengen agreement.

Figure 6.1: The city region of Lodz, Poland



The earlier mentioned phenomenon of primitive shuttle mobility was crucial in the development of the bazaars or open-air markets (Okólski, 1996; Sik & Wallace, 1999). The influx of ‘tourists’ from the former Soviet Union had many positive effects, such as the development of specific sectors of the Polish economy. Foreign demand for textile and leather products was one of the main factors behind the boom in private textile and shoe businesses (Okólski, 1996). These tourists proved to be the major stimulus not only for border region bazaars (see also Potrykowski, 1998) but also for markets located in the heart of Poland, like the Warsaw Bazaar (Okólski, 1996) or the Rzgów-Tuszyn textile-trade strip discussed in this section. It was estimated that by 1998, the large bazaar in the Tenth Anniversary soccer stadium in Warsaw accounted for no less than 330 million euros of Poland’s exports, and thus at the time was the country’s fifth largest ‘exporter’. In total, the bazaar economy in Poland provided a living for 130,000 people both in the markets themselves as well as in ancillary services. In the Lodz region, for instance, budget hotels were built

close to the larger bazaars. Also, people living nearby rented out their gardens as parking spaces and made rooms available for traders.

Notwithstanding the fact that the CEE bazaars are increasingly claiming their regular position within the wholesale and retail system, there still is an aura of illegality around them. This is supported by the fact that many of these open-air markets might be characterised as examples of 'raw' capitalism. This implies that these markets operate according to certain rules (in the sense that they are institutionalised), but for a long time were not really formalised. The traders have to behave according to rules and regulations, such as paying fees for occupying the stalls, largely without being protected by formal laws. Also the fact that the markets, certainly in the early days, operated in what Elster and colleagues (1998) have come to call an 'institutional void', where the state withdrew and the other institutions were not yet prepared to regulate, may have contributed to the unregulated character of these markets. Huge profits are possible, but so too is failure. Obviously, these voids created ample opportunity for local entrepreneurs to try out and implement all kinds of strategies to attract buyers and sellers, thereby very often acting against what was supposed to be achieved by actually existing regulation.

The bazaars in Tuszyn and Rzgów arose in the early 1990s when local textile entrepreneurs, who desperately wanted to sell their products, settled along the major north-south traffic artery that runs through the two municipalities. Along with a growing influx of 'Russian' visitors, the textile producing and trading activities started to flourish. Already in 1993, representatives of the local government along with local businessmen undertook actions aimed at improving the existing conditions. First of all, the number of bazaar locations was delimited. In the case of the municipality of Rzgów, the local government provided an area, while local businessmen supplied the necessary funds. This led to the creation of a huge apparel market. In other words, a private-public coalition was established. This bazaar is also known as PTAK, after the name of its founder. The Tuszyn bazaars started out differently. For one thing, instead of one market, seven were established. Contrary to Rzgów, in Tuszyn the biggest bazaar (figure 6.2) is on public land and is maintained by the local government, a situation that inevitably influences the flexibility of this venue.

The development of the bazaars in the Lodz region was further made possible by the launch of two organisations, namely the Enterprise Monitoring Department and the Debt Restructuring Department (Walker, 1992). In addition to all kinds of

other positive effects, this enabled individual actors to buy assets (especially machines) from liquidated factories to start their own private enterprises. It turned out to be of major importance for the local inhabitants of Rzgów and Tuszyn, since the majority of the new textile entrepreneurs used to be employees of Lodz factories.

Figure 6.2: Stalls at the Tuszyn bazaar



The flourishing of the bazaars (as measured by the number of stalls) lasted until 1998; the heydays were in 1995-1996. In late 1997, the Polish government introduced stricter border crossing requirements for the inhabitants of former Soviet Union countries, in order to fulfil obligations arising from the country's upcoming EU accession. This, according to Iglicka (2001a), immediately affected movement from Belarus and Russia, which in turn affected the sales at big bazaars in central and eastern Poland. This issue led to heavy lobbying on the national level, and Polish

traders and manufacturers managed to force the central authorities to lower the costs of tourist vouchers and the amount of money required to enter Poland (Iglicka, 2001a). The second 'strike' affecting the bazaar economy occurred in October 2003 when, in accordance with the Schengen agreement, a visa requirement for citizens of former Soviet Union countries was introduced, hindering international travel even more. After the tightening of the eastern border, it was estimated that the turnover of the markets halved. Notwithstanding these unfavourable circumstances, the bazaars are still very important for the local and regional economies. The tax revenues derived from the bazaars constitute a significant share of the revenue of the municipalities.

... and after October 2003

As was described, a lot has happened since the end of the twentieth century: the accession of CEE countries to the EU, the preparation for the admission to the Schengen area of many of these countries, increased border security regimes and changing attitudes to immigration. All of these events have implications for the mobility of people, and as was shown earlier, the market phenomenon very much relies on people being able to travel to the trading places. In order to get more insight into this clientele, a small-scale survey was carried out among the buyers at one of the larger markets in the Lodz region, namely one of the publicly run open-air markets in Tuszyń. Between them, the markets in Tuszyń occupy an area of about 15 hectares, and the traders have about 7000 stalls at their disposition. The location where the survey was conducted had a little over 1100 stalls in semi-permanent constructions. A total of 97 customers were approached with a questionnaire while they were visiting the bazaar.³⁶

Regarding the citizenship of the bazaar customers, interestingly, only two of the respondents were from countries outside the future Schengen zone,³⁷ which indicates the importance of the border regime since 2003. Although we are not able to prove it statistically, it might not be too daring to state that nowadays only a very small share of the customers come from these countries. Few private cars and small

³⁶ The authors thank the geography students from the University of Lodz who did the actual questioning.

³⁷ Two respondents were from Belarus, two were from EU countries and one was from Israel; one refused to answer. The remaining 91 were from the Lodz region (45) and the rest of Poland (46).

trucks in the surrounding parking lots are recognisable as being from the 'East', although the share of coaches from these countries is still much higher. Of course, this does not automatically imply that the revenues are likewise small. The two respondents from Belarus indicated that the amount of money they spent fell into the highest spending categories, whereas the average for people from the Lodz region was about 300 euros and for people from the rest of Poland 800 euros.

This case study presupposes that the introduction of the visa requirements influences the functioning of the bazaars. About half of our survey respondents stated that they had not noticed a lot of change. Of those who had, a small majority rated this change as negative. This tendency is stronger among the respondents from the Lodz region. Although we have to be careful in analysing what has changed, it seems that the main change is related to differences in the range of products. This, however, was qualified as 'good' almost equally often as it was qualified as 'bad'. Among those who indicated that things had changed for the worse, most mentioned the price and the suppliers. Another possible effect is that people are now going to other markets, especially to the east of Lodz, closer to the Ukrainian and Belarusian border. However, this cannot be substantiated from the questionnaire. Next to the bazaars in the Lodz region, the bazaars to the east and west were mentioned about equally often, and since October 2003 the frequency of these visits has hardly changed.

In response to the changes, apart from activities undertaken at the national level, the local private-public coalitions implemented their own initiatives, turning this unfavourable situation to the better. In order to trace these strategies, in-depth interviews were carried out with the mayors of Tuszyn and Rzgów and the management of PTAK. Based on these interviews, the conclusion can be drawn that the character of visits and purchasing habits has changed since 1997. In particular, now only around 20 coaches arrive from the former Soviet Union each day, whereas over 40 of such coaches used to come in the heydays. What is more, usually only the driver and some passengers are on board, and the places that were formerly occupied by shoppers on the return trip are now filled with textile products.

Along with the changing behaviour of the customers, also the Rzgów bazaar has implemented several new strategies. The first is related to activities devoted to helping citizens of former Soviet Union countries to cross the Polish border. Several innovative actions are noteworthy. First of all, residence permits are quite easily issued in order to maintain the informal contacts of local entrepreneurs. Second, the

PTAK bazaar has its own computer database comprising the names of regular, preferred clients. Being on this list entitles one to obtain a visa much faster and without any additional problems. However, utilising this facility obliges one to do shopping exclusively at the PTAK bazaar. It therefore acts as a kind of loyalty programme. The exclusiveness of shopping activities is reinforced by the fact that PTAK cooperates with the company that provides transport from the border to the bazaar and, at the same time, ensures that clients do not visit any of the markets in the border zone.

The second strand of activities involves intensive marketing, such as PTAK commercials on the Internet, on Russian television and in the press; in addition, there are billboards welcoming 'tourists' as they cross the eastern border. The respondents indicated that this strategy has been quite successful, even since visas were introduced in October 2003. Along with this strategy aimed at attracting former customers and traders, the PTAK management is also in the process of converting the bazaar into a more regular shopping mall, in order to attract not only more Poles but also, eventually, people from other, preferably Western countries.

The situation of the Tuszyn bazaar is different. This is partly due to its public ownership. On the one hand, it inevitably narrows the depth of possible activities. Only small-scale projects have been implemented, such as providing cheap meals for coach drivers, giving discounts when hiring a stall, and implementing different operating hours to create an almost 24/7 operation. On the other hand, the Tuszyn municipality, being responsible for all its inhabitants, has also tried to protect the local economy. For example, in 2005 it joined the Association of European Textile Collectivities in order to protect the local textile production.

In short, all sorts of micro-coalitions are built and micro-strategies pursued in order to counteract the negative outcomes of the retightening of Poland's eastern border. And in doing so, to some extent they challenge the very *raison d'être* of the implemented border regimes.

6.4 Challenging work permit requirements

Polish migrant labour in a Dutch-German border region ...

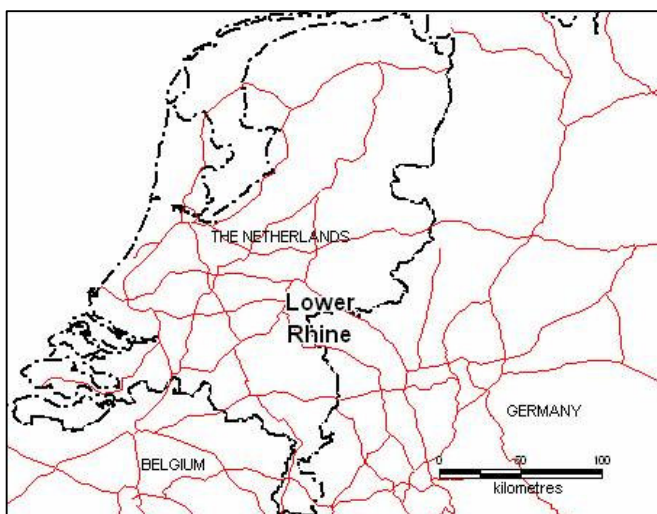
Despite the transitional arrangements on the free movement of labour, citizens from new Member States (and especially from Poland) have been employed as seasonal labour migrants in the EU-15 for over a decade now. In 2004, the Netherlands hosted an estimated 34,000 – 53,000 Polish labourers (ter Beek et al., 2005). Over 300,000 Poles worked in Germany during this same year (Versantvoort et al., 2006). Also, the Dutch-German Lower Rhine border region (figure 6.3) has been a destination area for Poles since the mid 1990s. Most of them took up open-field, mushroom and glasshouse cultivation jobs previously taken by housewives, high-school students and, occasionally, Irish and Portuguese nationals. Polish employment in the Lower Rhine area has long been strongly associated with the seasonal cultivation of asparagus in May and June of each year (see also de Bakker, 2001).

Although there are varying accounts of how the onset of this migration Polish workers to the region came about, the establishment of contacts between individual agricultural employers and German Poles seems to have played an important role. The somewhat confusing term ‘German Poles’ refers to people from parts of Poland that formerly belonged to the Prussian empire, notably the provinces of Opole and Silesia. Under German law, these people are considered Germans if they are able to prove German ancestry, and as such they are eligible for a German passport. Despite the transitional restrictions placed on citizens of new Member States, these workers from Poland, because they are regarded as Germans citizens, have admission to the various EU labour markets. The recruitment of German Poles in the region is organised by efficiently competing labour market intermediaries. It is estimated that of the 20,000 German Poles in the Netherlands, 10,000 work and reside in the Lower Rhine area (Zuidam & Grijpstra, 2004). Furthermore, in 2004, between 1500 and 4000 work permits for seasonal agri-jobs in the Dutch part of the Lower Rhine region were issued to Poles. The figure does not include Poles who hold a German passport.³⁸ Another 500 to 1400 people were allowed to enter without

³⁸ We refer to people who only have a Polish passport as ‘Poles’, and to people who have both a Polish and a German passport as ‘German Poles’.

work permits: open-field harvest work in spring and summer is among the jobs/sectors exempt from transitional restrictions.³⁹

Figure 6.3: The Lower Rhine border region, the Netherlands/Germany



Today, Polish migrant workers are employed in several sectors of the regional labour markets in the Netherlands, notably in logistics, construction and the packaging industry. Yet, the Lower Rhine is still a highly appropriate area for research on Polish employment in the EU-15. A large number of labour market intermediaries are headquartered in the region, housing their employees in local camp grounds, bungalow parks, former monasteries and asylum centres, and even on a disused British Royal Air Force base in the municipality of Weeze on the German side (figure 6.4). Each day, company cars and vans drive people to and from their working locations. Also, several municipalities on the Dutch side have joined forces in the

³⁹ The institution that issues work permits in the Netherlands does not keep track of the regional distribution of work permits. For that reason, a minimum and a maximum number of work permits and 'free' entries was estimated by multiplying the total number of work permits issued to Polish seasonal workers in agribusiness with land use percentages. The Dutch part of the Lower Rhine has 10.2% of the total open-field surface in the Netherlands among which 32.3% of the Dutch asparagus cultivation and another 30.8% of the total surface for mushroom cultivation, which also traditionally employs many Polish workers.

project Work and Housing of Foreign Employees, which aims to reduce illegal employment, improve housing conditions and intensify law enforcement. In the three years of its existence, the project has successfully attracted the attention of policy makers at the national level and in that sense functions as a benchmark project for other regions.

Figure 6.4: Housing facilities at Airport Weeze



The many Poles who followed their German-Polish fellow villagers to the Lower Rhine area often depended on obscure labour subcontracting practices. In the early years, illegal employment among Poles in the regional agriculture used to be very high: 50% is the most modest estimate (see also Curfs et al., 2001). However, all interview respondents identified a slow decrease of illegal Polish employment over

the last couple of years.⁴⁰ The most important reason for this is the enhanced coordination between especially the Dutch sector organisation for agribusiness and the government body in charge of issuing work permits, which has effectively lowered bureaucratic thresholds for agricultural entrepreneurs to apply for and indeed get work permits for citizens of new Member States. In addition, much stronger authority has been assigned to the labour inspectorate. Until 2004, employers enjoyed the opportunity to postpone the actual payment of fines by means of law procedures. In these circumstances, employers calculated the costs and benefits of breaking the law, weighing cost advantages and fines against the perceived chance of getting caught (see also Mosselman & van Rij, 2005). Since 2004, the labour inspectorate has been empowered to impose fines of 8000 euros per person immediately upon encountering illegal employment at the workplace. Hence, the loss incurred by individual employers may be substantial.

Fieldwork results indicate that there is now a remarkable mutual dependency of labour input and labour reward. To some extent, Polish employees have an active role to play in the regional labour market dynamics. The keyword here is motivation, which according to all interview respondents is lacking among the majority of Dutch and German workers, who refuse to accept temporary open-field work and other jobs that are similarly considered hard, dirty and underpaid. Partially as a consequence of existing inequalities in labour reward and labour conditions, Polish employees currently outperform Dutch employees in terms of availability and productivity. Particularly German Poles are in demand. According to the spokesman for the agricultural employers' organisation, 'the pool of German Poles is drying up in the sense that they're here but they no longer come to the agricultural sector. They're very calculating: they know that they're wanted and can find work without problems' (interview, 2005).

... and after May 2004

As mentioned above, a common and also openly visible strategy to circumvent the transitional labour market restrictions is the employment of German Poles, the

⁴⁰ However, according to the latest assessments, citizens of CEE countries account for no less than 40% of the total of illegally employed persons in the Netherlands *as a whole* (Mosselman & van Rij, 2005).

majority of whom are recruited by labour market intermediaries. Negotiating contracts between employers and employees, and often arranging transport and housing as well as social events during the evening and at weekends, these intermediaries constitute the nodes in formal migration networks that are currently in place between certain communities in southern Poland and municipalities in the Lower Rhine area. Notwithstanding a commitment to the well-being of their workers, as private enterprises the intermediaries aim to realise a competitive advantage by lowering the total labour cost involved in the recruitment and employment of German Poles. In a nutshell, this entails that they benefit from an incomplete switch that people make between social security systems. Poles who engage in cross-border labour mobility partly leave the Polish social security system and partly enter the Dutch one. This raises the question which system is to receive payments for taxes and social security, and in what time-frame after the worker's arrival. By convention, net pay consists of gross wages plus overtime minus nationally specified deductions for taxes and social security. Together with national labour law, these determinants make up what an expert on cross-border work called the 'national circle of the insured' (interview, 2005). They are inextricably bound up: roughly, increases in social security payments are geared to decreases in taxes. However, precisely for that reason, there is hardly any synchrony between country-specific systems (Essers & Willems, 2005). Things become even more complicated in the pending case of circular short-term mobility. Labour market intermediaries and individual employers who genuinely attempt to organise Polish employment well, are thus hindered by long-standing institutions created to protect native workers. Simply put, the national circle of the insured does not really allow for short-term cross-border mobility. Those actors, whether Dutch, German or Polish, who know their way around this web of rules and do not shy away from it, have the potential to realise substantial cost advantages that outweigh the extra effort.

Two years after the Dutch decision not to lift work permit requirements for Polish citizens, and hence not to open the labour market to them, Poles are entering by means of sophisticated mobility strategies that circumvent the work permit requirements. These strategies draw on legal frameworks other than the free movement of labour and are therefore highly difficult to control by labour market authorities. For example, benefiting from the ongoing liberalisation of services in the European Internal Market, self-employed Poles are entitled to offer their services in the Netherlands to Dutch clients without needing a work permit (ter Beek et al.,

2005). In 2005, a total of 2600 Poles registered with the Dutch chamber of commerce as self-employed, more than from any other country. They are mostly active in construction, agriculture and cleaning services (Netherlands Chamber of Commerce, 2006). Another, infamous circumvention strategy is the 'Poles construction'. Having originated in the agricultural sector, the Poles construction entails Dutch employers selling the right to harvest their product to subcontractors from Poland, who become formally entitled to carry out this work as a service. In reality, however, the employers remain at the workplace, supervising. In this way, a conventional employment relationship is maintained in which the overwhelming presence of the employer in some cases means that the workers have to accept underpayment and long working hours, including weekends, early mornings and late evenings. Apart from agriculture, the Poles construction is found in construction and the meat industry. Several interview respondents described this way of hiring as an example of 'modern slavery'.

A circumvention strategy typical of the Lower Rhine area is actually facilitated by the Dutch-German border and by the fact that Poland has bilateral taxation agreements with both the Netherlands and Germany. Like all citizens of European countries that have this arrangement, Polish migrant workers are not liable to Dutch or German income taxes if they work for only a maximum continuous period of 183 days. Anticipating this restraint, a number of large entrepreneurs in the region have established new production sites in Germany in order to be able to move groups of workers around between the Dutch and German sites once the 183-day limit is within sight in either country. This allows the people to work year-round without having to pay taxes, and so the company saves on labour costs. A telling example in this regard is the innovative reuse of World War II bunkers on the German side for mushroom cultivation by a large mushroom producer. The consequence is that most workers stay for several years (if not longer), alternating short returns to Poland with much longer periods in the region. This observation resonates with the argument generally accepted in the literature on contemporary Polish out-migration: that speaking in terms of 'either' permanent 'or' shuttle migration is flawed, for most workers maintain strong social bonds with their home base while working abroad (see also Iglicka, 2000, 2001a, 2001c). Aleksandra Grzymała-Kazłowska (2005) speaks of 'lasting temporariness' in this respect.

Provided they can afford it, intermediaries and employers often call in the help of consulting and law firms specialised in accounting and tax advice. Building on

a stock of detailed knowledge acquired over the years, these firms are well equipped to identify loopholes in the tax, social security and labour laws that concern Polish employment. A Lower Rhine-based respondent from a firm that operates worldwide explained that for him the question is always:

How can I maximally with Dutch legislation at hand and all the possibilities and facilities that it offers, how can I optimally make use of it in order to ... create a maximum net-revenue of those Poles ... against the lowest possible labour cost. (Interview, 2005)

Although this respondent refused to go into detail because, as he asserted, 'then the chef would be divulging his recipe', he underlined the frequency with which specific questions about labour market entry are asked (interview, 2005). In order to provide tailor-made answers to these questions, his firm had created an in-house 'Eastern Europe Help Desk'.⁴¹

Accounting and law advice 'at the margins' is always to some extent at odds with law enforcement activities conducted by labour inspectors. Since the labour inspectorate's main task is to find and fine illegal employment, contrasting opinions with regard to the validity of accounting practices or legal constructions are widespread. Inspectors are experienced enough to suspect cases of, for example, the Poles construction, which in their view is an unlawful avoidance of work permit requirements. However, since employers object by arguing that the Poles construction is a legal construction within the realm of freedom of services, this suspicion needs to be proved in court. This is the space where the labour inspectorate as a key implementing organisation of migration policy confronts creative entrepreneurs, who are represented by consultants, who in turn are represented, in particularly complicated cases, by specialised lawyers. When the labour inspectorate wins, workers are labelled 'illegal'; when the inspectorate loses, the entrepreneur sets a standard for other employers, labour market intermediaries or self-employed migrant workers.⁴² A labour inspector explained:

⁴¹ For those who cannot afford to pay for expensive legal services, EURES consultants occasionally organise small-scale information seminars in order to provide basic legal assistance. EURES is a cooperation network between the EC and the Public Employment Services of the Member States.

⁴² Initially, these cases are taken to regional courts and only at a later stage, after one of the parties decides to appeal, to national courts.

Well, they live off every lawsuit, so when, at some point, they stand before a judge and a judge does not accept certain things, then they often learn how to circumvent that, or arrange it in a different way. In that respect, it is increasingly difficult [for the labour inspectorate to win]. (Interview, 2005)

Hence, the grey area between legal and illegal Polish employment is negotiated and judged in the courtroom.

Meanwhile, in outsourcing the production factor labour in full to intermediaries, or at least this part of the bookkeeping to consulting firms, employers lose sight of the process of hiring Polish workers. According to one employer, a consequence of the growing importance of sophisticated accounting and legal knowledge is that 'the one who monitors the legal matters of the business and makes the payments, those constructions with Poles, he also gets a large share. And he binds himself to the employers' (interview, 2005). With Polish employment still formally restricted but widely in demand, it becomes a highly legal affair centred on the small print. Power transfers from small entrepreneurs to larger employers based in the region yet producing for the European market, and foremost to specialised consulting and law firms, some of which are local branches of international service providers.

6.5 Conclusion

By scrutinising two case studies, in this chapter we examined local mobility strategies that are oriented towards changing institutional border contexts in Europe. The EU enlargement process has produced a remarkable discrepancy with regard to accession rights and duties. Whereas new Member States are unconditionally obliged to secure the outer borders according to the Schengen agreement, the free movement from East to West across internal borders is temporarily restricted, at best limited to specific jobs or quotas. Continuing the work on primitive shuttle mobility, observed in literature in the aftermath of the 1989 events and during the early years of post-Communist economic restructuring, the first case concerned the bazaars, or open-air markets, in the Polish city region of Lodz on their way to a new balance between buyers and sellers. The second case identified mobility strategies

that challenge the work permit requirements for Polish workers in the Dutch-German Lower Rhine border region.

Having accessed the EU and awaiting admission to the Schengen area, Poland saw its eastern border become more closed. When looking at the management of the two Lodz bazaars, two quite different reactions to this process were observed. The privately run PTAK bazaar actively and almost aggressively started to campaign in Belarus, Ukraine and Russia, with all means available including collaboration with the local government. Furthermore, they also diversified by transforming the bazaar into a 'normal' shopping mall, thus increasing its attractiveness to potential clients from the Lodz region and eventually perhaps even from other countries, preferably Western ones. These strategies can be characterised as *ex ante* and proactive. Partly because it is run publicly, the conglomerate in Tuszyn on the other hand seems to be more *ex post* and reactive. Fieldwork done at the Tuszyn bazaar strongly suggests that the number of buyers from the East has greatly diminished. Hardly any customers from the former Soviet Union were encountered. Those who still come have changed their strategy in that they buy greater quantities. It is hard to tell whether this strategy of buying larger quantities has compensated for the loss of clients, but it might not be too daring to state that the reinforcement of Poland's eastern border has had far more consequences for the flow of people than for the flow of goods.

In the Dutch-German Lower Rhine border region, increased institutional coordination, tougher law enforcement and the rise of private labour market intermediation have enhanced the working conditions and therewith the visibility of Polish employees in the regional economic landscape. At present, Poles are generally known as motivated employees, a reputation that partly explains their current popularity in a variety of sectors. Both labour market intermediaries and German Poles have come to regard open-field cultivation as a side rather than a core business. Work permit requirements for Poles, as well as constraints concerning the duration of tax-free employment, are overcome by quasi-legal circumvention strategies. Further comparative research on the consequences of institutional borders for the interregional division of labour in the EU is required, but the idea that people merely go to where labour markets are open is misleading, to say the least. The findings of this second case study suggest that national labour laws, national taxation and social security systems, and the accompanying bureaucracies are more likely to complicate

mobility across borders than are temporary constraints on free movement. This is particularly so for circular, short-term mobility across borders.

The role of context – which is cherished by economic geographers who aim to de-essentialise the rather fixed identities ascribed to economic actors in neoclassical and orthodox Marxist development perspectives, and to inquire after their relations with various places – encouraged us to investigate the mobility strategies of both mobile and immobile actors. We found that these strategies are creative and, especially in the case of challenging work permit requirements, far from primitive. In sum, one can say that since 1997 the former Iron Curtain has been gradually replaced by paper walls consisting of visas, invitations, declarations, work permits, residence permits, tax return forms, reimbursement request forms, collective wage agreements, pay slips and so on. In addition to written language, spoken language plays an important role in challenging visa and work permit requirements. This includes persuading local policy makers to cooperate, buying or consulting a particular mobility strategy, and defending this strategy, or an accusation of unlawful behaviour, in court. As such, this spoken language, this ability to convince, becomes more important in providing a precedent for similar cases on the margins of entry, residence and labour law and those of accounting. Yet, the eagerness to reflexively learn from experiences with primitive mobility, using up-to-date expertise, very much helps to find ways to circumvent paper walls. Possessing an entrepreneurial attitude is crucial. In Lodz, the ‘stronger’ bazaar traders will survive, while the small ‘ants’ will be confronted with virtually impassable barriers and will most probably ‘die out’. In the Lower Rhine area, labour market intermediaries and ancillary services take over the organisation of Polish employment from the actual employers. Despite improvements in working conditions, especially for German Poles and self-employed Polish migrant workers, the paper walls, designed in national languages according to national standards, serve to create competitive advantage. Within the network of the economic actors involved, ultimately this advantage is likely to most benefit the large employers, the large intermediaries and the large service providers. Hence, also in a less spatially deterministic and more relationally open-ended perspective in which the space of the region provides a research lens, power inequalities are very much part of the context of economic action.

Although we did not present clear-cut evidence of border contexts being partially transformed by mobility strategies stemming from the local level, we do not want to withhold the following anecdote from our readers. In early 2006, the Dutch

parliament debated whether or not to extend the transitional restrictions with regard to labour migration from new Member States. In this debate, the Deputy Minister of Social Affairs and Employment pleaded for the government to open the labour market. His main argument was not that the Dutch economy would profit from this; rather – throwing in the towel, so to say – he clearly expressed his inability to enforce the existing measures. This, in our modest opinion, is an example of the reflexive reorganising capacities of what used to be considered as a largely responsive agency.

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Among the variety of actors and strategies that were found to creatively challenge the transitional restrictions on free movement in the previous chapter, the recruitment activities of international employment agencies stand out as a genuine intent to improve the working and payment conditions of migrant workers from new Member States. Recruitment across borders – a kind of private enterprise that may well expand after the discontinuation of the transitional restrictions – helps to increase both mobility and flexibility within and between the various EU labour markets. In the following chapter, these agencies and their activities are analysed critically and in more detail.

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Chapter 7

Organising migrant flexwork: international employment agencies as the anchors of EU labour mobility

... production appears to have been replaced, as the *fons et origo* of capital, by the provision of services and the capacity to control space, time, and the flow of money. In short, by the market and by speculation.

Jean Comaroff and John Comaroff (2002, p. 781)

Flextime is a privilege of the working day.

Richard Sennett (1998, p. 58)

7.1 Introduction

Increasing cross-border labour mobility is a long-cherished goal of many neoliberal policy makers in the European Union. To that end, steering measures have been taken to facilitate what is called ‘freedom of labour’ in the European Internal Market. Bureaucratic barriers between Member States are being brought down. Initiatives are being taken to accelerate the recognition of diplomas and skill certificates across the Member States and, albeit cautiously, first proposals have been launched to harmonise the highly state-oriented social security systems. Furthermore, the European Employment Services (EURES) network has been operational since 1994. EURES is a cooperation network that comprises the national employment services of the Member States and assists job-seekers and employers to find each other (EC, 2004b). Aiming to lower searching costs, EURES works mainly through the European Job Mobility Portal, a website that has job descriptions and individual CVs available for downloading.

Despite these efforts, intra-EU labour mobility remains below expectations. According to some, this is due to the ‘significant’ levels of indifference and disinterest with which labour markets beyond the national border are approached (Strüver, 2002; van Houtum & van der Velde, 2004). This observation, however, refers to citizens of the EU-15. Ongoing economic restructuring in new Member

States implies that for some Europeans, it is now less self-evident to be indifferent about working in another Member State. Potentially, there is 'high' migratory pressure on the internal borders of the EU as a consequence of labour mobility from East to West. For that reason, individual Member States within the EU-15 have insisted on the maintenance of labour market entry restrictions. There is, hence, another aspect to state regulation regarding the mobility of labour in the EU. As opposed to the expansionary, integrative vision behind EURES, labour market policies with regard to the citizens of new Member States in the first years following enlargement have been largely restrictive.

In the Netherlands, private actors have turned the recruitment of migrant workers from Poland for the Dutch labour market into their profession, thereby challenging prevailing state regulation and responding to a strong domestic demand. These actors are important nodes in the network of circular migration that is currently in place between Poland and the Netherlands. In this chapter, I am particularly interested in a special type of private recruiting actor: the international employment agency. To my knowledge, these agencies are a typical Dutch phenomenon in the sense that no other restrictive country within the EU-15 relies so much on this type of private organisation for the recruitment of workers from new Member States. Yet, the scale and scope of their activities are rapidly expanding to include several other Member States.

The chapter is organised as follows. The following section positions this topic in a body of literature that underlines the importance of the demand side (producers/employers and private recruiting actors) of international migration networks and flows. This literature largely refers to the Mexico-USA migration flow, which otherwise serves a purpose of comparison with the Poland-Netherlands case. Then, drawing on insights from regulation theory, attention is paid to the demand for flexible migrant labour. This section also presents a methodological point of departure for the investigation of the regulatory role of international employment agencies. This empirical investigation is carried out in the subsequent section, involving the origins, current functioning and immediate development prospects of these agencies. The final section puts the research findings into perspective through a more general discussion of private labour market intermediation and flextime employment. I conclude the chapter by touching upon some normative issues related to migrant flexwork.

7.2 Rethinking the demand side of international migration networks

The interplay between state migration regulation and the emergence and continued existence of social migrant networks is well documented for the case of Mexican labour in the USA (Krissman, 2005; 2000; Rodriguez, 2004; Canales, 2003; Mitchell, 2001; Schlosser, 2003; Pries, 2001). Although the migration of Mexicans to the USA has a much longer history, the enabling as well as constraining involvement of the state in this migration flow dates back to the mid 20th century. This period witnessed the implementation of the Bracero programme (Rodriguez, 2004; Schlosser, 2003; Krissman, 2005). Through this state-led programme, Mexican workers (*braceros*) were recruited in large numbers in order to bring in the harvest in the various agricultural areas in the south-west of the USA. The Bracero programme is comparable to the guest-worker recruitment schemes that were implemented in various European countries around the same time, attracting workers from Algeria, Morocco and Turkey (Schlosser, 2003). After its discontinuation in 1964, presumably due to recurring reports about widespread exploitation by the participating employers, illegal labour massively replaced bracero labour. In effect, the Bracero programme had created the appropriate setting for all kinds of social and kinship networks between the USA and Mexico (Rodriguez, 2004; Schlosser, 2003). These networks ensured employers an almost infinite supply of cheap labourers.

It is against this backdrop that the concept of transnational social spaces developed. The dynamics observed in international migration networks – dynamics as diverse as crossing borders, remitting money, circulating between home and abroad, and alternating jobs – suggest that geographical and social space are being disrupted (Pries, 2001; Guarzino, 2003; Faist, 2000). Research on transnational migrant networks therefore rightly devotes a great deal of attention to entry and survival strategies, and to the hybrid and sometimes fractured social identities of transmigrants (Pries, 2001). Using network analysis, migration researchers have been able to meticulously reconstruct the onset of international migration networks, tracing the subsequent events that connect small groups of pioneer migrants to vibrant immigrant communities in countries of destination (Krissman, 2005).

Notwithstanding the fact that the supply of migrant labour is a *conditio sine qua non* of the inception and institutionalisation of migration flows, in shaping these flows, demand factors are important as well. As the Mexican labour migration to the

USA shows, employers are always interested in hiring migrant labour. This interest persists for a variety of reasons (Rodriguez, 2004). Straightforward cost advantages can be obtained when migrant workers are employed at low wages: employers are highly cost-conscious (Krissman, 2000). Less obvious a reason is that social and kinship networks are often self-recruiting, self-training and self-disciplining, so that employers can substantially save on the costs of managing and maintaining their labour force (Rodriguez, 2004). Moreover, many undocumented Mexican workers are deprived of protection of any kind. Non-unionised almost by definition, they are unaware of even basic working rights with regard to, for instance, overtime hours and the payment therefor. Thus, some authors argue that the ability to control labour at the work site proper, always to some extent sealed off from the public sphere, constitutes another important reason for employers to hire migrant workers (Rodriguez, 2004; Mitchell, 2001). The work site complements the state border as a place that violates the rights of migrant workers, both legally and physically (Mitchell, 2001).

It is therefore no surprise that employers do not have a very good reputation in the empirical literature on the Mexico-USA migration. Still, the constitutive role of employers and the demand side in general in migrant networks merits closer scrutiny (Rodriguez, 2004; Krissman, 2005). For example, more information is required about the role of non-state labour recruitment stemming from countries and regions of destination. The fact that large-scale recruitment schemes such as the Bracero programme and the guest worker programmes are no longer in place but immigrant communities continue to flourish, leads to the question: which type of initiative has taken or is taking over the matching of the demand for and the supply of migrant labour? Here again, the existing literature offers ample examples of dubious practices. In the Mexico-USA case, recruitment is organised by informal labour subcontractors called *coyotes* or *patróns* (Krissman, 2005). Some of these contractors work for employers as supervisory personnel, while others are independent agents. They can be natives of Mexico or the USA (Krissman, 2000, 2005; Schlosser, 2003). Thus, apart from migrant self-recruitment, also private actors in the countries and regions of destination help employers to find migrant workers. Yet, this same demand side is remarkably absent from the analysis of international migration networks and flows: ‘... scholars have failed to systematically tie employers and their recruitment agents to their analyses of international migration even though these actors are well documented’ (Krissman, 2005, p. 8). Krissman goes as far as to

challenge the supply-oriented assumptions that sub-structure migrant network analysis:

In direct opposition ... 1) international migration networks seldom originate in and are never comprised exclusively of individuals from the same hometowns; 2) migration is not self-perpetuating, but continues to be affected by non-hometown actors in and/or native to the labor-receiving nation; and 3) labor recruitment continues to be a major stimulus to international migration. (Krissman, 2005, p. 34)

As I see it, these four statements are not meant to trivialise the driving forces that are at work in countries of origin. Rather, as will be demonstrated in the remainder of this chapter, recruitment activities engineered by the demand side encompass both sending and receiving places. Whether passively hiring, invisibly lobbying or actively organising migrant labour, employers and associated demand actors co-shape international migration networks and flows (Rodriguez, 2004). In short, 'regardless of their level of action, all employers function as gatekeepers to the labor market' (Rodriguez, 2004, p. 453). The following section presents a framework that helps to analyse the demand of migrant labour in relation to the national labour market, defined as the nexus of "production imperatives" (in other words "labour demand"), "processes of social reproduction" ("labour supply") and "forces of regulation" (the role of the state)' (Samers, 2003, p. 570). Methodologically, the framework adopts particular elements of migrant network analysis.

7.3 Studying migrant flexwork: the blind spot of regulation theory

Labour control exercised by employers occupies a prominent position in the theory of political economy. This position can be traced back to the classic Marxist account of class struggle: the conflict between the desire of producers for capitalist accumulation, versus the desire of workers for decent working conditions. The regulation school in particular seeks to explain the structure and changes of capitalist economies, and the role of class struggle therein. Rejecting the stabilising forces of market equilibrium proclaimed in economic growth theory, regulation theory attributes 'regulatory' power to institutions in society. The tensions inherent in

capitalism are managed by a conglomerate of both state and private institutions, labelled the 'mode of social regulation' (MSR, Jessop, 1994; MacLeod, 2001). The MSR counteracts the disruptive consequences of class struggle. Whereas classic Marxists foretell the demise of capitalism, regulationists argue that labour law, collective wage agreements, labour unions and other institutions aimed at the protection of employment minimise the need for class struggle. In effect, then, compromise substitutes struggle.⁴³

The interest in regulation theory accompanied changes observed at the workplace in the 1980s and 1990s. It is alleged that during these years, increasingly volatile consumer preferences partially transformed the then dominant Fordist paradigm of industrial mass production into a paradigm of post-Fordist flexible specialisation. The general idea of flexible specialisation is that production as well as the whole organisation around production is consumer-oriented and directed towards change. Hence, this transformation is strongly associated with flexibility, which is a ubiquitous buzz word in academic debates on post-Fordism. Flexibility implies a whole range of notions: 'flexible automation, flexible technology, flexible labour, flexible specialization, flexible manufacturing systems, and even flexible accumulation' (Gertler, 1988, p. 419).

With regard to the flexibilisation of labour, a useful distinction is normally made between internal and external flexibility (Canales, 2003). Internal flexibility entails the whole spectrum of workers' incentive and training programmes, the growing importance of team work, the intensification of internal quality control systems, and the decision-making committees that involve both managers and workers (Canales, 2003; see also Sennett, 1998). External flexibility is about the reconfiguring of labour market policies and practices of subcontracting, potentially making labour more vulnerable to ad hoc hiring and firing. The extent to which this really is at stake, however, depends on the MSR of the economy in question. In the USA, for example, a tendency towards more part-time employment is further enhancing already existing labour market flexibility (Canales, 2003). By contrast, in economies that traditionally offer a high level of employment protection, such as the Netherlands and other continental European countries, other solutions are applied to flexibilise labour. In these countries, the incidence of temporary work is relatively

⁴³ In doing so, one could argue that employment protection within the MSR to some extent tacitly contributes to the continued existence of capitalism.

high (OECD, 2004; Robinson, 1999; Dunnewijk, 2001). This implies that employers are inclined to hire more workers on a fixed-term contract if for some reason they perceive employment protection for permanent workers as burdensome (Robinson, 1999). The hiring of employees on a temporary basis generally allows employers to avoid the complications of time- and money-consuming law suits in order to settle lay-offs of permanent workers.

Although the debate on the advantages and disadvantages of flexibility and especially of the flexibilisation of labour is as yet undecided, critics have problematised the transition from Fordism to post-Fordism on a number of grounds (Gertler, 1988; 1989; Jessop, 1994). In practice, flexible specialisation and mass production coexist, hence Fordism is neither being replaced nor disappearing. At best, Fordism is relocated from core regions in the industrialised world to designated production sites in developing countries, offering clear-cut tax advantages and cheap labour. What is more, regulation theory is criticised for its exclusive emphasis on the 'class' character of the conflicting desires of capital and labour, underexposing other sources of struggle (Bakshi et al., 1995; Schneeberger & Messerli, 2002). For example, persistent inequalities between men and women in terms of wages and working conditions are often ignored in regulationist studies of labour empowerment. Compromises between capital, labour and the state are gendered (Bakshi et al., 1995). Much the same can be said about the absence of foreign employment, of immigrant workers, in regulation theory and actual MSRs:

Immigration, like female employment, has served as a source of cheap and flexible labour in the welfare state – a labour-intensive area of the economy particularly resistant to productivity gains through technical gains and automation ... We can add that such recruitment facilitated the upward movement of white labour into better paid and high-skilled jobs, thus reinforcing the political, cultural and economic segregation of the postwar workforce. (Bakshi et al., 1995, p. 1546)

So, flexible labour was by no means a new phenomenon in the 1980s and 1990s. Even in the immediate post-war period, a labour force that remained largely invisible in the statistics of the time and consisted largely of women and migrant workers, contributed to an MSR that benefited white male employment. Bakshi and colleagues suggest that these workers, so to say, created the necessary room for the job security

of their white male colleagues (1995). They did this by flexibly fulfilling low-rated jobs from which they could all too easily be dismissed (see also Samers, 2003; Sassen, 1998). In short, the tension related to payments and working conditions between native and foreign labour constitutes the blind spot of regulation theory (Schneeberger & Messerli, 2002, p. 220; Bakshi et al., 1995).

In a study of the Swiss hotel sector, Schneeberger and Messerli insightfully describe this tension during two consecutive periods. From the 1970s to the mid 1990s, foreign employees mostly occupied jobs without skill requirements and with few career opportunities. The majority of these 'typical Fordist workers' were recruited on the basis of seasonal agreements. For the late 1990s and the beginning of the 21st century, the authors find that asylum-seekers or "foreign" foreigners' have taken over these jobs (Schneeberger & Messerli, 2002). The unskilled workers have climbed up the occupational ladder and are superior to the asylum-seekers, who enjoy little privilege. In this post-Fordist period, the tensions between the ethnicised categories of workers is much more articulated and felt than is the tension between capital and labour (*ibid.*).

Following a similar research interest – namely the ways in which the employment of non-nationals feeds in to the flexible organisation of economic activity – in this chapter I scrutinise the case of temporary workers from Poland in the Netherlands. Although this transmigration perhaps lacks the sheer magnitude of the Mexico-USA migration, its relatively advanced particularities in regard to the matching of demand and supply are relevant to the wider study of the demand side in international migration networks. Methodologically, this connects to the principle of anchorage (Krissman, 2005). The principle of anchorage addresses the need to identify a starting point (an actor, a group of actors or an institutional arrangement) from which other network actors can be traced. Often, this anchor consists of pioneer migrants, preferably those who recruit other migrants. If it becomes clearer who these actors are and how their activities change over time, the constitutive role of employers is elucidated, too. Employers can indeed merely be passive hirers of migrant labour, hiding behind their recruiters and the various related actors who provide additional services to migrants. But they can also occupy a more powerful position in terms of price-setting and other regulatory activities (*ibid.*).

While Schneeberger and Messerli applied a holistic approach to the examination of just one sector (the Swiss hotel sector), I emphasise the anchoring role of one type of network actor, namely recruiters, in and across a number of

sectors. For, as will be explained in more detail below, the recruitment of Polish workers for the Dutch labour market currently comprises a variety of segments of the Dutch economy. The findings draw on in-depth interviews with labour recruiters, labour inspectors, employers and experts on Polish migration in the Netherlands, as well as on personal communication with migrants. Factual and aggregate data on migrant recruitment activities in the Netherlands were obtained from background reports, promotional material, and encounters between recruiters and the media.

7.4 The recruitment of Polish migrant labour in the Netherlands

International employment agencies

Although at first consideration the international labour migration of Poles appears to be in some respects overshadowed by the vast body of empirical literature on the Mexico-USA migration, the large share of media attention paid to Polish migrant workers in various European destination countries suggests otherwise. As was the case with Mexican labour in the USA, this attention did not concern a sudden take-off of a previously non-existent migration flow, but the immediate and long-term consequences of interventions by states. This is because the 2004 enlargement process induced the national governments of most EU-15 countries to temporarily restrict labour market access for citizens of new Member States such as Poland. In addition to the media attention, the contemporary labour migration of Poles in a European context is fairly well documented by academic studies, covering regions of origin, Polish immigrant communities in destination countries, and economic sectors (Morawska, 2001; Kosic & Triandafyllidou, 2004; Pool, 2004; Gryzmala-Kazłowska, 2005; Psimmenos & Kassimati, 2006). Although employers and recruiting agents are researched in Polish migration networks, here too the emphasis in terms of tracing anchors is on migrant self-recruitment, entry and survival strategies.

The employment of Poles in the Netherlands emerged at the beginning of the 1990s, when the nationals of transition countries seized the increased opportunity to cross borders and solicit work abroad. Their arrival coincided with a considerable turbulence in some segments of the agricultural sector in the Netherlands.

Agricultural producers whose activities have a distinctively seasonal character (above all, asparagus growers) were experiencing difficulties in finding motivated temporary labour. They were given a hard time by the Dutch government, which had already restricted the undocumented employment of family members, neighbours and high-school students. It subsequently processed a restrictive policy with regard to the Poles. As a consequence, much like illegal Mexican labour replaced the bracero workers in the valleys of California, Polish labour in the asparagus fields remained, albeit illegally.

The early 1990s were fraught with cases of producers not living up to legal standards of employment and payment (de Bakker, 2001). Particularly grim are the stories of confrontations between the labour inspectors and individual growers or farmers. Fearing an unexpected and most unwelcome visit from the labour inspectorate, farmers employing illegal immigrant labour would block the entry roads to their land (interview with labour inspector, 2005; see also de Bakker, 2001). The roadblocks gave illegal workers more time to disappear, for example by running into adjacent woods, which in turn lowered the chance of them being caught at the work site. However, de Bakker also urges us not to generalise the evil disposition of employers towards immigrant labour. Especially in small family-run agribusinesses, contacts between Dutch employers and Polish seasonal workers turned into friendly, trustful relationships that encouraged workers to come back in subsequent years, and that continued even after they had returned permanently to Poland (de Bakker, 2001).

The severely restrictive work permit policy with regard to seasonal labour from Poland created ample opportunity for illegal middlemen, or gangmasters (*ibid.*). Among the creative coupling strategies used by these gangmasters was the recruitment of a group of Polish workers that has become widely known as 'German Poles'. German Poles are people who live in Poland, notably in the Opole and Silesia provinces that formerly belonged to the Prussian empire, and who are in possession of German passports. For these people, a temporary job in the Netherlands can be legally organised: an EU-15 passport grants access to the labour market (i.e. there is no work permit requirement). The presence of German Poles gave a number of entrepreneurs the idea to improve the matching of demand and supply, by organising it legally and on a larger scale. With some exceptions, the majority of these people did not have a background as labour recruiters. Rather, they usually worked in the agricultural sector in the south-east of the Netherlands themselves, and as such were

well aware of persistent labour shortages in the sector as well as the advantages to be obtained from working with motivated foreign labour. A recruiter explained:

Well, I used to work at the [fruit and vegetable] auction until 1999. In 1997, temporary personnel was still easily found, in 1998 it became more difficult, then a couple of Polish people crossed the border, hence with a German passport, to complement this. And in 1999 it became even more difficult, then a very large part of the temporary employment, because of the labour shortage, was filled by Polish workers. And as of 2000 we started with the recruitment agency ... (Interview, 2005)

Thus, the agencies originated in the agricultural sector. In the remainder of this chapter, I refer to these agencies as international employment agencies (IEAs) – a term the recruiters themselves are in favour of. At first, the workers⁴⁴ they matched cut asparagus, picked strawberries or mushrooms, and sorted and packed a variety of agricultural products. This work was dominantly seasonal and temporary. The start-up IEAs developed their first contacts with Poles through previous professional engagements with growers, farmers and other agricultural employers. Accordingly, relatives and friends of the German Poles, relying on mouth-to-mouth advertising, embarked on the same route. The IEAs occasionally rented accommodation in the municipalities close to the open fields in order to provide housing for the workers so that individual employers were relieved of that task. In other cases, recruiters arranged pick-ups from the larger German cities in the nearby Ruhr area that maintain daily bus connections with cities in Poland. However, the Poles without German passports who followed their fellow villagers to the south-east of the Netherlands remained dependent on the whims and fancies of the gangmasters.

From asparagus workers to all-round labour provision

Nevertheless, in the past few years, the legally operating IEAs have matured in several ways. First, their activities have expanded to other sectors and segments of

⁴⁴ National and local policy documentation speaks of ‘foreign’ employment when referring to workers from new Member States. Workers are not seen as migrants because they do not apply for Dutch citizenship. Hence, they remain ‘foreign’ (interview with local policy maker, 2005). Terms like ‘return migrants’ or ‘transmigrants’ (Pries, 2001) are not used.

the national economy, notably industrial mass production, logistics and construction. The larger IEAs (i.e. those that match 1000 – 5000 German Poles each year) hire approximately 70 per cent of the workers for the logistics industry (notably packaging), 25 per cent for production activities and only 5 per cent for agricultural work (interview with labour recruiter, 2005).⁴⁵ This development strongly resonates with a shift away from traditional seasonal work to temporary contract work. The lengths of these contracts, usually two to three months, allow people to alternate their stays in the Netherlands with return periods of several weeks to Poland. The nature of the contracts is such that workers can stay with an IEA for many years (interview with labour recruiter, 2005).

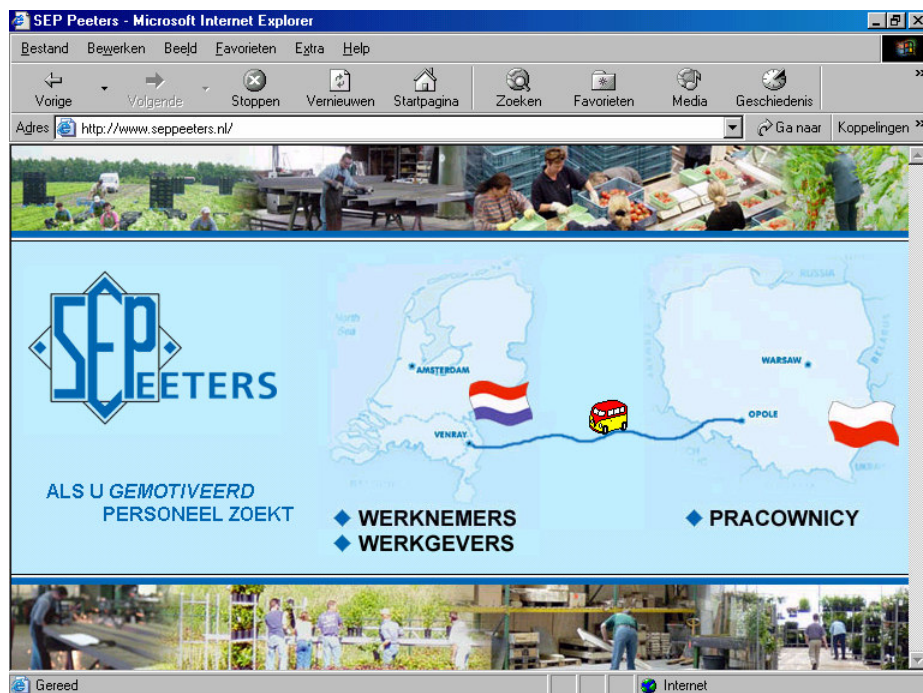
Since mass production and logistics require labour input all year round, employers in these sectors are all too happy to find workers who are willing to work in the evening, at night and during the weekend. Also, for many small growers and farmers, the prices that need to be paid for the services offered by the larger IEAs are too high. The legal organisation of foreign labour recruitment is not only about payments according to minimum wages laid down in collective wage agreements, but also involves incremental costs for housing, transport, interpreters, etc. Despite the overwhelming attention paid to Polish asparagus cutters by the Dutch media, the potential gains for IEAs from recruiting these workers in May and June of each year are actually fairly limited. What is more, the flexibility of the German Poles has strengthened their competitive position. Being in demand across a wide array of sectors besides agribusiness, they prefer the relatively greater security of subsequent contracts to moving from harvest to harvest, which is over after the season ends. Job vacancies in the open field are partly filled by IEAs that specialise in smaller labour pools of up to several hundred people.

Second, the organisation of recruitment and selection was expanded and commercialised. As the demand for German Poles increased, the market of temporary foreign employment came to cover a larger part of the country. Whereas the open-field cultivation sector in which Polish employment took off is primarily located in the south-east of the Netherlands, IEA client employers in this and other sectors are found in other areas, too (see also Versantvoort et al., 2006). This means

⁴⁵ By far the largest actors (they are at least twice as big as their competitors) are two IEAs, each of which matches 5000 people. Other sectors/jobs include slaughtering, recycling, metalwork, woodwork and transport.

that the larger IEAs now have a network of local offices throughout the country. At the same time, local recruitment offices were established in Poland, replacing mouth-to-mouth advertising and individual middlemen operating from offices at home. A typical IEA has its headquarters in the Netherlands and two or more local offices in both the Netherlands and Poland. The local offices are staffed by Polish or Polish-speaking personnel, who advertise in the local media, provide those interested in migrating with the necessary information about working and staying in the Netherlands, and carry out selection procedures (interviews with labour recruiters, 2005). At present, the majority of Dutch IEAs (several dozen of them) are located in the south of Poland, notably in the provinces of Opole and Silezia. Furthermore, the success of these IEAs inspired a number of large players on the international market of flexible labour intermediation. By 2006, multinational companies such as Adecco, Vedor and Randstad were also recruiting temporary labour from Poland for the Dutch economy.

Figure 7.1: ‘If you are looking for *motivated personnel*’ (IEA website)



The establishment in 2004 of the Association of International Employment Agencies represents the most extensive endeavour to professionalise recruitment. The main goal of this association is to enhance the reliability and overall image of foreign labour market intermediation. This goal is being promoted by means of a quality mark related to the provision of, for example, housing and transport facilities for foreign workers (interview with director, Vereniging Internationale Arbeidsbemiddelaars, 2005). The quality mark obliges IEAs to organise accommodation in accredited bungalow parks or upgraded locations such as former monasteries. As regards transport, most participating IEAs own a fleet of cars and mini-buses or vans with which they move people between the various housing and working locations. Another objective of the association – namely to develop a collective wage agreement that would apply to temporary workforces from all EU Member States – has not yet been realised, due to conflicts with opposing organisations that negotiate sector-specific collective wage agreements.

Third, the service provision of the IEAs has widened. In order to strengthen ties with client firms, they offer to take over the payroll process of temporary Polish workers. Also, several IEAs have embraced flexible learning trajectories. Whereas the labour (not necessarily the labourers) on the asparagus and strawberry fields was unskilled, today there is a growing demand for skilled labour – for welders, metal workers, carpenters, construction workers and truck drivers. Although many German Poles are selected on the basis of having these capacities, skill-specific demand apparently surpasses supply. For that reason, the IEAs enrol their workers in courses and training programmes that lead to skill certificates that are issued in accordance with Dutch standards. These certificates further increase their availability.

Current developments

In effect, the IEAs constantly have to reorient their strategy, and reprioritise and reorganise their activities. As the pool of German Poles is ‘running dry’, as some of my interview respondents claimed, IEAs are inventing ways to match the potentially large group of Polish workers who do not hold German passports. In order to be able to bring in ‘Polish’ Poles, it has become attractive to organise recruitment and selection directly from Poland. This practice is known as the ‘posting’ of workers from one Member State to another (EC, 2004a; European Parliament, 2006). It

implies that Dutch IEAs either transfer their core activity, namely the coordination and administration of flexwork, to a local office in Poland, which then posts labourers to Dutch client firms, or they establish new headquarters or offices in Poland exclusively for that purpose. An important cost implication of posting workers from Poland to the Netherlands or to any other EU-15 country, for example to Germany, is that they can be paid Polish (i.e. lower) wages.⁴⁶ What is more, if arranged carefully, under these circumstances the organisation of taxes and social security is less complicated, for both taxation and social security leverage can remain under the auspices of the Polish system. Bilateral tax agreements in the EU mean that Polish migrant workers are not liable to Dutch or German income taxes if they work for a maximum continuous period of 183 days. This allows posting firms to send people to the Netherlands for 183 days and subsequently to Germany for 183 days. In theory, then, the posting of workers involves lower labour costs and less bureaucracy.

Yet, for IEAs this form of intermediation is not without complications. First, the amended version of the Freedom of Services Directive that was eventually accepted by the European Parliament does not regard posting firms that are located in one Member State and send workers to another Member State as service providers (European Parliament, 2006). Instead, the Directive considers the client firms as the actual employers, meaning that taxes have to be paid in the receiving country (Essers & Willems, 2005). Second, according to EU legislation, in order not to be considered a 'ghost' firm, a business needs to raise at least 25 per cent of its turnover in the country where it is located, in this case Poland (*ibid.*). This means that if a Polish wage equals, say, a quarter of a Dutch wage, one hundred Polish workers need to be matched on the Polish market for temporary labour for every 75 Poles who are posted in the Netherlands (interview with expert labour union, 2005).

⁴⁶ Although in order to interest potential migrants in this construction, the net wage has to be higher than average or minimum Polish wages. A necessary wage difference is usually created by paying extra money for working abroad and/or for working overtime.

Figure 7.2: ‘Why work with Flexipool?’ (IEA website)



However, innovative as they are, the IEAs turn these complications to their advantage. Whereas the savings on labour costs to be made from the posting of temporary labour may be limited to a certain extent, the savings to be made from organising temporary work on Polish territory are in principle not limited. This idea is realised by bringing low-skilled work, to be carried out for Dutch client firms, to Poland. Hence, this strategy does not entail the relocation of manufacturing divisions of client firms, but the establishment of new subdivisions that are part of the IEAs. These subdivisions specialise in the packaging of light products that can be transported relatively easily from the Netherlands to Poland, using the same vehicles that bring Polish workers to the Netherlands.

In general, most IEAs appear to be preparing for a reorientation towards sending from regions other than Opole and Silezia, and to countries other than the Netherlands. New pools of readily available migrant flexworkers are being sought for existing as well as emerging markets for temporary labour. Poles are still being

sent or posted to the Netherlands, but their labour is increasingly matched on the German and UK markets or indeed on the Polish market proper. Flexworkers from Hungary, Lithuania, Latvia, the Czech Republic, the Slovak Republic and the eastern part of Germany are being recruited to replace the Poles. What is more, the gradual abolition of the restrictions on the free movement of labour for citizens of new Member States is opening up a vast window of legal opportunity for the IEAs to continue expanding and indeed internationalising their activities. In this process, it is not unlikely that previous conceptions of labour sending and receiving countries in the EU will further be challenged. The EU has determined that all entry restrictions must be abandoned by 2011 at the latest.

A last point of interest relates to the, as yet limited mediation of native workers for the Dutch market. In an attempt to enhance their image in the political and public arena, the IEAs are particularly keen on matching long-term unemployed Dutch, who are often ignored by the conventional recruitment agencies. The following section makes it clear that any assessment of the current and future functioning of the IEAs should take notice of the country-specific opportunities of private actors to engage in the recruitment of temporary workers.

7.5 International employment agencies and labour market flexibility

The regulation of labour market intermediation

Whereas, importantly, the recruitment of migrant labour through informal subcontracting practices is fairly well documented, the literature on migration and development pays less attention to labour market intermediation that is internationally oriented, privately organised and legal. Temporary workers matched to client firms by specialised agencies are usually associated with highly mobile native employees of all ages and skills, at least in the Anglo-Saxon context. An insightful 2003 study by Chris Benner, in which the term ‘labour market intermediary’ (LMI) is introduced⁴⁷, focuses on the case of Silicon Valley, arguably the birthplace of

⁴⁷ In the LMI concept introduced by Benner, temporary *native* workers are emphasised, as different from the temporary *foreign* workers dominantly matched by the IEAs described in the previous section.

flexwork. According to Benner, there are various types of LMIs in Silicon Valley. Most common are 'temporary help firms', which supply production, technical and administrative personnel as well as people for the lower rungs of the management ladder (Benner, 2003; see also Sennett, 1998). In addition, what Benner calls 'consultant brokerage firms' specialise in the headhunting of professionals who have specific, often high-ranking skills. Another part of the market for temporary employment is serviced by web-based job sites, which provide online access to job vacancies, CVs and information about career development. Unlike the European Job Mobility Portal, these heavily sponsored websites are run by private companies. A final category of LMIs in Silicon Valley consists of 'professional employer organisations'. These organisations offer a wider range of services within the realm of human resource management, for example the administration of the payroll process. In that case, the professional employer organisation and the client firm have 'a joint-employer relationship to the employee' (Benner, 2003, p. 623).

Hence, it would seem that the IEAs, anchoring the migration flow of Poles to the Netherlands, indeed meet the standards of what is understood as 'professional' private labour market intermediation. To some extent, this professionalisation can be attributed to the fact that commercial intermediation activities have been quite common in the Netherlands since the 1970s (Dunnewijk, 2001). Although the performance of labour market intermediation proved dependent on the macro-economic circumstances, and hence more successful in times of downturn or recovery and unsuccessful during recessions, the concept gained sustainable popularity among young married women and students (*ibid.*). In 1998, new legislation did away with the licence requirement that LMIs previously needed to comply with. As an intended consequence, starting an LMI became much easier and indeed, the number of operational LMIs sharply increased (Zuidam & Grijpstra, 2004). It is important to note that this development is specifically Dutch. The extent to which temporary employment is regulated differs much between countries. In order to illustrate this, I added figures drawn from a recent OECD Employment Outlook to table 7.1. The table shows the regulation of temporary employment in the OECD countries on a cardinal scale ranging from 1 to 6. The higher the score on

this scale, the more temporary work is restricted.⁴⁸ As can be seen, in the Anglo-Saxon world and the new Member States, including Poland, the overall strictness of regulation is low. In Turkey and Mexico, by contrast, labour market intermediation is not even legal (OECD, 2004). The Netherlands is among the EU-15 countries with the lowest overall regulatory strictness. Organising migrant flexwork may be considerably more difficult in, for instance, Belgium, France, Portugal and Spain.

The market for foreign labour intermediation emerged in the Netherlands during the last period discerned in the table (late 1990s to 2003). Enabled by the more permissive legislative context, innovative former agricultural entrepreneurs discovered and filled a market niche here, as labour recruiters. However, since the waiving of licence requirements, the number of intermediaries manoeuvring in the informal sphere has also increased (Zuidam & Grijpstra, 2004). Although the figures have to be interpreted with great caution, it is estimated that approximately 5000 LMIs (or, rather, IEAs) are involved in illegally matching or posting about 80,000 persons, some of whom come from new Member States although most are from non-EU countries (*ibid.*). Agencies that post workers to the Netherlands from abroad are included.

⁴⁸ Although this quantification clearly does not do justice to country-specific aspects of employment protection, in my view it offers a less blurred picture than just listing numbers of LMIs in the Netherlands and other EU or OECD countries with very different economic structures and histories.

Table 7.1: The regulation of temporary employment

Country	Fixed-term contracts			Labour market intermediaries			Overall strictness of regulation		
	Late 1980s	Late 1990s	2003	Late 1980s	Late 1990s	2003	Late 1980s	Late 1990s	2003
Australia	1.3	1.3	1.3	0.5	0.5	0.5	0.9	0.9	0.9
Austria	1.8	1.8	1.8	1.3	1.3	1.3	1.5	1.5	1.5
Belgium	5.3	1.5	1.5	4.0	0.8	3.8	4.6	2.6	2.6
Canada	0.0	0.0	0.0	0.5	0.5	0.5	0.3	0.3	0.3
Czech Rep.		0.5	0.5	5.5	0.5	0.5		0.5	0.5
Denmark	2.3	2.3	2.3	4.0	0.5	0.5	3.1	1.4	1.4
Finland	3.3	3.3	3.3	0.5	0.5	0.5	1.9	3.9	3.9
France	3.5	4.0	4.0	2.6	3.3	3.3	3.1	3.6	3.6
Germany	3.5	1.8	1.8	4.0	2.8	1.8	3.8	2.3	1.8
Greece	4.0	4.0	4.5	5.5	5.5	2.0	4.8	4.8	3.3
Hungary		0.8	0.8	5.5	0.5	0.5		0.6	1.1
Ireland	0.0	0.0	0.8	0.5	0.5	0.5	0.3	0.3	0.6
Italy	5.3	4.0	2.5	5.5	3.3	1.8	5.4	3.6	2.1
Japan	0.5	0.5	0.5	3.1	2.8	2.0	1.8	1.6	1.3
Korea		0.8	0.8		2.6	2.6		1.7	1.7
Mexico		2.5	2.5		5.5	5.5		4.0	4.0
Netherlands	1.5	0.8	0.8	3.3	1.6	1.6	2.4	1.2	1.2
New Zealand		0.3	1.5		0.5	1.0		0.4	1.3
Norway	3.3	3.3	3.3	3.8	3.0	2.5	3.5	3.1	2.9
Poland		1.0	0.0	5.5	0.5	2.5		0.8	1.3
Portugal	2.3	2.3	1.0	4.5	3.8	3.8	3.4	3.0	2.8
Slovak Rep.		1.8	0.3		0.5	0.5		1.1	0.4
Spain	2.0	2.5	3.0	5.5	4.0	4.5	3.8	3.3	3.5
Sweden	2.7	1.8	1.8	5.5	1.5	1.5	4.1	1.6	1.6
Switzerland	1.3	1.3	1.3	1.0	1.0	1.0	1.1	1.1	1.1
Turkey		4.3	4.3	5.5	5.5	5.5		4.9	4.9
UK	0.0	0.0	0.3	0.5	0.5	0.5	0.3	0.3	0.4
USA	0.0	0.0	0.0	0.5	0.5	0.5	0.3	0.3	0.3

Source: OECD Employment Outlook (2004)

These estimates, however provisional and bound by premises they may be, raise the question whether or not the IEAs and their increasingly diversified services account for any real progress in terms of wage regulation and working conditions for migrant labour. More research is needed on this issue.⁴⁹ For now, Benner's study on LMIs and regional development can be of help because it offers, for the first time to my knowledge, an analytical framework connecting labour market intermediation to concerns of a more theoretical nature. In this framework, LMIs basically perform three enabling labour market functions.

First, LMIs may lower transaction costs. Adopting an economic definition of institutions, Benner argues that LMIs enhance market efficiency by literally navigating between workers and employers. For workers, LMIs may provide up-to-date job information, thus increasing the chances of a quick and successful application of their skills. The advantage for employers is formulated slightly more instrumentally: '... firms can recognize significant cost savings by cutting their human resource departments and not having to engage in employee search and hiring processes' (Benner, 2003, p. 627). Transaction cost advantages are certainly realised by the IEA client firms. Since Polish flextime employment in the Netherlands is fairly difficult to arrange legally due to incompatible labour laws, tax regimes and social security systems, employers seize the opportunity to outsource the administration of labour. However, critical outside observers and recruiters alike ascertain that the lowering of transaction costs is also very much about keeping the price of workers low. This is because the temporary foreign employment market is a highly competitive one:

⁴⁹ In the UK, many short-term temporary (British) employees reportedly have low levels of responsibility and little intrinsic interest in their job (Gallie et al., 1998). They feel insecure about keeping their jobs yet find themselves trapped in flexwork. This is similar to the experiences of some of today's Polish migrants in Europe, who are unsettled and restricted in their professional development by the temporary nature of their jobs (Psimmenos & Kassimati, 2006). Although especially women may also feel liberated by the act of migrating, the highly flexible domestic work many of them perform sometimes results in their social isolation.

There are a couple of agencies that choose to engage in a price competition, yes, just like with the supermarkets. It sounds a bit disrespectful because we are still dealing with people, but economically this simply is very hard, it is a very hard business. (Interview with labour recruiter, 2005)

In order to effectuate lower price levels, the IEAs form strategic alliances with accounting and legal firms. Using the margins of labour law, these firms design the contracts of migrant flexworkers in such ways that IEAs are able to save on expenditures for taxes and social security. These savings materialise despite the fact that collective wage agreements are officially adhered to. For client firms, it becomes difficult if not impossible to see through legal constructions of this kind (Pijpers, forthcoming 2007).

This brings us to the second labour market function brought forward by Benner: intermediation can contribute to the creation of business and social networks that require durable relationships. Firms that operate in dynamic innovative surroundings may benefit from long-standing relationships with LMIs that are able to deliver capable personnel in time, as such relationships mean that they do not need to spend time and money searching for new employees (Benner, 2003). In the case of the Dutch IEAs, it is clearly not the client firms but the intermediaries proper who are at the centre of business networks, which comprise accountants and lawyers, as well as car and accommodation renters, bungalow park managers and so forth (Pijpers, forthcoming 2007). When viewed from a workers' perspective, lasting engagements with LMIs can broaden and strengthen their career prospects, as LMIs are usually in possession of knowledge about changing skill requirements. Benner suggests that for low-skilled workers, LMIs may actually replace absent or 'poor-quality' social networks, which prevent people from finding jobs (Benner, 2003). The training programmes offered by the IEAs could well be exemplary here. However, it is unclear whether and, if so, in which ways the Poles can use these Dutch certificates to further develop their skills once they have returned to Poland (see also Gallie et al., 1998). This relates to the issue of the recognition of skill certificates within a wider (European or EU) context, but also to the sometimes very different educational background of the migrant flexworkers. Indeed, in addition to the many low-skilled or unskilled workers, there are numerous students and unemployed university graduates who temporarily opt for flexwork abroad. This was already the case in the times of the asparagus fields (de Bakker, 2001).

A third labour market function of LMIs concerns risk management. As, increasingly, flexible modes of production coexist with more traditional large-scale manufacturing systems, economic risk for both employers and employees is likely to increase. By outsourcing the flexible part of the labour process to LMIs, firms become better able to cope with cyclical downturns (Benner, 2003). Those who work in flexible modes of production, and are therefore exposed to a greater risk of job loss due to these downturns, can use LMIs as a means to substantially shorten their periods of unemployment. In the case of long-distance intermediation or posting, however, there is another side to this argument. The migrant flexworkers are on fixed-term contracts with the recruiting IEA, hence not with individual employers. As clients, the employers indicate the numbers of workers they need to the IEAs, sometimes at very short notice. This implies that there can be periods (days or weeks) during which the flexworkers are out of work. When this occurs, they are not usually given permission to return home or to enjoy leisure time. Rather, they have to stay in the often semi-closed premises arranged by the IEAs, so that they can be summoned to work at any time (personal communication with migrants, 2006).⁵⁰

While studying the Dutch IEAs, I came to admire the entrepreneurship of the recruiters of temporary migrant labour. Drawing on their personal experiences in the agricultural sector, aware of the demand of motivated foreign labour and genuinely unhappy with the irregularities engendered by the gangmaster system, they professionalised the employment of German Poles in the various Dutch open-field cultivation sectors. These entrepreneurs have set up extensive recruitment networks, thereby continuously reinventing themselves in order to adapt to changes in the competitive and legal surroundings. Yet, one cannot escape the impression that especially in the eyes of the larger IEAs, Polish workers are directly callable, quickly matchable and easily transferable. In order to stay ahead of competitors, the time intervals between jobs are minimised to make sure that neither time nor money is wasted. As for the relationship between the IEAs and client firms, it can be argued that taking over complex payroll processes and orchestrating equally complex legal

⁵⁰ During these periods off the job, it is not exceptional for workers to have to continue to hand over a predetermined amount or a percentage of their wages to the IEAs by way of rent (personal communication with migrants, 2006).

solutions is an effective if not dependence-creating way of improving customer relations.

7.6 Conclusion

The focus of this chapter was on Polish migrant flexworkers in the Netherlands. The figure of the migrant flexworker is conceived not only by the circumstances in the country of origin, but also by the nexus of labour demand, labour supply and state regulation in the country of destination. Today, the regulation of labour migration is given shape by a more diversified group of stakeholders than was the case several decades ago, when governments sought to accommodate thriving economies and the demands of employers for low-skilled labour through large-scale state recruitment programmes. The eventual withdrawal of large-scale state recruitment set in motion equally large movements of illegal migration. In this process, many pioneer migrants who offered themselves to employing parties gradually became part of the latter's hiring and disciplinary staff, or they transformed themselves into gangmasters, like their native counterparts invisibly matching desperate migrant job-seekers to producers. In both the Mexico-USA and Poland-Netherlands migration flows, illegal migrant labour is still abundantly present, to the advantage of employers who seek to profit from the low wage costs and long working hours this labour brings with it.

Meanwhile, as the flows become inscribed in the economic landscapes of the North American Free Trade Association and the EU due to the enacting of various freedoms of movement, the regulation of labour markets is increasingly directed towards flexibility. Part-time as well as temporary contracts have an increasing incidence. As opposed to the Anglo-Saxon context, where ideas about labour market flexibilisation are by no means revolutionary, governments and above all social partners in continental Europe are more reluctant to give in to neoliberal pleas for reduced employment protection. Partly as a consequence, this compromise has created room for short-term temporary workers and the institutions that organise such employment: labour market intermediaries, or, for non-native workers, international employment agencies. The IEAs described in this chapter mostly specialise in the recruitment of German Poles for a variety of labour-intensive sectors of the Dutch economy. These sectors benefit enormously from hiring flexworkers.

Are migrant flexworkers the ideal-typical post-Fordist workers of our time? Perhaps, if one considers solely the flexibilisation of labour markets (external flexibility). Manoeuvred between firms and put to work largely in interchangeable jobs by IEAs, both the geographical and occupational mobility of Polish migrant workers in the Netherlands has reached the levels EC officials must have hoped for when designing the European Internal Market. Migrant flexworkers are so much in demand that labour recruiters are turning to the posting concept in order to match people who do not have EU-15 passports. The internal flexibility of 'flexiPoles', however, remains explicitly Fordist in nature. Working unconventional hours and at production sites hidden from the general public, they take care of manufacturing activities, logistics, catering, cleaning and recycling. From a viewpoint of more radical theoretical stances, the result is yet another capitalist pathway, yet another means to control labour. Any such judgement, however, will have to await the outcomes of future research. More insight is also needed into the role of employers in the migration flow between Poland and the Netherlands. This role may be less constitutive than the one described in the current literature. This chapter's preliminary findings allude to the idea that perhaps the most influential employers are the labour recruiters themselves.

Yet, the IEAs have given a touch of legality and visibility to the presence of Polish labour in the Dutch economic landscape. If the development of the IEAs is to continue as foreseen in this chapter, the private recruitment of migrant flexworkers has the potential to become a key anchor of labour mobility in the Internal Market.

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Chapter 8

Towards a relational perspective on migrant flexwork

... given the frequency of legal modifications made to national fiscal and social security legislation on both sides of national borders, it is not uncommon for the net revenues of cross-border labourers to be subjected to an annual 'lottery', whereby the balance of fiscal burdens can shift unpredictably from one year to the next. The disparity here between the 'visionary' rhetoric of European integration and the structural constraints on cross-border mobility is thus starkly etched.

Olivier Kramsch (2001, p. 35)

... what networks are to space, flexibilization is to time.

Nancy Fraser (2003, p. 169)

8.1 Introduction

I reflect in this last chapter on the research findings I have presented in this thesis. I start by recalling introductory Chapter 1, where, in order to improve the overall coherence of my work, the research objective and two research questions were specified. The research objective was **to critically rethink the origins of the transitional arrangements with regard to the application of the principle of the free movement of labour for citizens of new Member States in the European Union, and to reflect on their relative success in lessening the potential migratory pressure on the respective national labour markets of 'old' Member States**. The two overarching research questions were defined as:

- 1) Why and how were the transitional restrictions on the free movement of labour in the EU brought into being?
- 2) Where and how do these restrictions become inscribed in the EU's economic landscape?

These questions are answered in the subsequent section. Organised as a collection of separate texts, I have already listed a number of concluding remarks in the final sections of each chapter. Section 8.2, therefore, can be read as synopsis of these remarks.

The remainder of this chapter is devoted to a more in-depth reflection on the literatures and concepts that were reviewed or introduced. The concomitant notions of migrant flexwork and migrant flexworker put forward in Chapter 7, are thereby taken to symbolise the nexus of migration studies, economic geography, political economy and border studies at which this research project is situated. In aiming to develop a more coherent, yet heuristic theoretical perspective, I attempt in sections 8.3 and 8.4 to place the migrant flexworker in existing, partly overlapping theoretical traditions within these fields and subfields. Whilst in section 8.3 I review classic, deterministic traditions, in section 8.4 I draw attention to newer, context-oriented traditions. I then assert that, whereas these traditions are well equipped to elucidate many aspects of migrant flexwork – including migration motivations, development consequences and migrant networks – they fail to fully appreciate the role of the state as a key disseminator of fear narratives and as the initiator of transitional restrictions on the free movement of labour. In section 8.5, I therefore elaborate on the strategic-relational approach (SRA, mentioned in Chapter 6) in order to fill this need. As I shall clarify in more detail, this approach to the geographical study of institutions offers an analytical framework that regards spatio-temporal structures and human agency as mutually constitutive, and explicitly pays attention to issues of strategy and discourse. Finally, I argue that the thematic literature and theoretical insights from border studies, used throughout this thesis, are highly valuable in tentatively developing a relational perspective on migrant flexwork. Partly based on these suggestions, I offer in section 8.6 a research agenda in which ‘the state’ features more prominently in research on East-West labour migration in the enlarged EU, as well as on EU labour mobility more generally. I bring the thesis to a close in section 8.7.

8.2 Transitional restrictions on free movement: why, where and how

The 2004 enlargement of the EU – or, more precisely, one of its main ideational implications, namely the opening up of the labour markets of old Member States to

workers from new Member States, and hence to East-West migration – constituted the central research theme of this thesis. In the years and months prior to enlargement on 1 May 2004, this basic EU principle of freedom of labour came into conflict with the Member States' long-standing determination to protect national labour markets and national welfare systems. It can be concluded from Chapters 3, 4 and 5 that fears of large, potentially massive numbers of East-West migrants – fears instigated by moral panics in parliament and the media, and fed by the artificial certainty regarding these numbers provided in migration forecasts – led to the imposition of transitional restrictions on the free movement of labour in the majority of old Member States. Many politicians and researchers envisaged the post-enlargement Internal Market as being flooded by labour migrants from new Member States.

The transitional arrangements have certainly helped to 'manage' the inflow of workers from new Member States. Work permit requirements have not been lifted, except in those cases where selective access is desirable according to demand criteria (structural labour shortages) or supply criteria (skills, knowledge). General entry quotas, as well as quotas laid down in bilateral agreements, have further enhanced the controllability of East-West migration. This control has come at a price, though. Migrants as well as international employment agencies and employers may have to wait endlessly for the approval of legal statuses and status rights, due to the complexity of administrative procedures and implementation practices, including discretionary powers exercised by immigration officials. At worst, this complexity discourages migrants from entering through the appropriate channels or from claiming benefits that are rightfully theirs.

Moreover, the research findings reported in Chapters 2, 6 and 7 suggest that one should be wary about celebrating controllability. This has to do with the unintended consequences of the transitional restrictions on free movement. In the current migration literature, a well-known argument is that closed borders invoke illegal migration, that they illegalise migrants (Samers, 2004; Black, 2003). In this thesis, the distinction between legal and illegal immigration, which is neither self-evident nor natural, was further problematised by examples of what were called 'quasi-legal' entry and employment strategies, circumventing the institutional borders established by the transitional restrictions. These strategies are invented, marketed and defended by knowledgeable actors, who creatively draw on alternative legal frameworks, such as the posting directive, as part of the controversial

liberalisation of services in the Internal Market. Many of these actors are not migrants but recruiters, employers or other private actors who are based or at least still headquartered in host countries and regions. The findings support the view that international migration is infinitely more complex a phenomenon than a supply-induced flow between home and destination that can be charted or mapped. The demand side matters, too.

The various Member States, and the EU itself in its most recent policy documentation about economic migration, clearly express a preference for more material migrant selectivity in the nearby future. The transitional restrictions on East-West migrants, as well as the many conditional (e.g. seasonal) entry arrangements that are currently in place, are telling examples of this migrant selectivity, which is reinforced by non-state practices to recruit labour migrants. So, the Internal Market, as well as the area of freedom, security and justice that was mentioned in Chapter 2, is replete with material doors and bridges that thrive well in times wherein the mediation of ideas, more than ever, guides perceptions. A critical reading of these policies, practices and perceptions leads to the conclusion, proposed in Chapter 3, that the EU can in many respects be taken as a gated community. In this gated community's economic landscape, many physical border sites have been identified. First of all, the transitional restrictions on the free movement of labour can be deconstructed as an expression of present-day EU governmentality, of the desire of individual Member States to control and manage migration. The state frontier, that is, the internal borders of the EU, are less linear and more nodal in form than taught by classical geopolitics. The waiting time that is by definition spent at the border increases, and becomes fragmented as people await access to several spheres of the nation state and the national economy: queues emerge as effective management tools.

Yet, probably the most telling border site where negotiating actors meet is the courtroom, where conflicts over the interpretation and the application of labour laws and collective wage agreements are taken. These lawsuits include the pay slip implications of quasi-legal border circumvention strategies, which may have a downward effect on the total labour cost to be paid for hiring temporary labour forces from new Member States. In effect, many traits of the migrant flexworker are laid down in the space of the courtroom.

8.3 Placing the migrant flexworker:⁵¹ deterministic perspectives

Continuity and change,⁵² structure and agency

In the remainder of this final chapter, I offer suggestions for a heuristic theoretical perspective on migrant flexwork. Therefore, in sections 8.3 and 8.4 I present an overview of relevant, partly overlapping theoretical traditions within the fields and subfields on which this research project is crafted. I start by identifying two classic, deterministic traditions that explain labour migration in the course of regional economic development (Massey et al., 1993). I then turn to theoretical traditions that examine the institutionalisation of international migration flows as well as their development contexts. In section 8.5, I propose to combine these traditions with more recent interventions in political economy and border studies, by which insight can be gained into the politics of fear that so often haunts migrants in the current period.

It must be noted that, despite the many changes in orientation voiced in the theoretical traditions, they continue to be used in fundamental, empirical as well as applied research on international migration and labour mobility (Silvey & Lawson, 1999; Massey et al., 2003). Those working in these traditions harbour all kinds of thoughts about the relation between structure, migratory movement and migrant agency. Their works may reflect developmentalist perspectives, foregrounding an interest in how migration patterns emerge in broad spatio-temporal structures, and how they help to alleviate macro-economic inequalities. But they may also reflect *post-structural* perspectives, for instance accounts of how immigrant communities and migrants themselves ‘can be represented as agents negotiating the material and discursive dimensions of development’ (Silvey & Lawson, 1999, p. 129). In a recent literature overview, it is argued that notably feminist migration research has enriched our critical understanding of the political processes through which spatial scales are constructed, be they the scale of the body, the household or the nation (Silvey, 2004). Importantly, this scholarship also draws attention to the ‘cultural universe’ of international migration, thereby strongly encouraging researchers to

⁵¹ Paraphrased from Silvey, R. and Lawson, V. (1999), ‘Placing the Migrant’, *Annals of the Association of American Geographers*, 89(1), pp. 121-132.

⁵² Ibid.

refrain from polarising structure and agency (Gidwani & Sivaramakrishnan, 2003; Silvey, 2004).⁵³ I take this advice to heart in what follows.

The rational choice tradition

The rational choice tradition, which Gidwani and Sivaramakrishnan (2003) call the ‘marginalist’ tradition, explains interregional migration through the existence of initial regional differences in marginal returns to labour. That is to say, one extra ‘unit’ of labour put to work in all regions yields different amounts of additional regional output. In order to unveil how the migration process works, rational choice theorists draw on highly stylised neoclassical dual economy models. These models assume a binary distinction between rural and urban regions, or labour-intensive and technology-intensive sectors, which may be located within the sphere of one economy, usually a nation-state, or between economies.⁵⁴ The initially low marginal value product of labour in the labour-intensive sector provides an incentive to relocate to places where extra labour inputs are needed. Eventually, marginal returns to labour equalise across regions; an ‘equilibrium’ state is reached. Migration is regarded as a micro-economic, rational action taken with a view to optimising utility. Any individual migrant, hence, aims at realising a structural increase in financial resources in a destination country or region that is identified amongst alternative destinations as having the most permissive migration regime and the best opportunities to earn money (Borjas, 1989). In general, marginalist scholars seek to identify measurable variables and claimed causality in the economic, social and political environments as well as in the cultural and material linkages that make people move (Jennissen, 2004).

Thus, the rational choice tradition does posit migrant agency, ‘although a curiously deterministic version of it, governed by the imperatives of utility optimization’ (Gidwani & Sivaramakrishnan, 2003, p. 189). Under the influence of behavioural theory, alternative dual economy models abandon the assumption that

⁵³ Although in this study the emphasis is not on gender issues (presumably to the discontent of some potential readers interested in East-West migration), these are by no means tangential to the central research theme (see e.g. Triandafyllidou, 2006b, and Slany, forthcoming 2007, on Polish female migration in Europe).

⁵⁴ The Harris-Todaro migration model, which is discussed in Chapter 5, is one of the most influential dual economy models.

choice-making is a strictly rational event. Acknowledging that most migrants do not possess complete information about different migration routes or destinations, these models instead allow for some degree of bounded rationality. The authors of a review piece on spatial choice modelling in a migration context, for example, distinguish between information with which to make a spatial choice and the ways in which migrants process this information, suggesting that some potentially valuable destination countries and regions in terms of utility optimisation may not even be considered due to bounded rationality (Pellegrini & Fotheringham, 2002).

The Marxist tradition

The Marxist tradition in migration studies is founded on a deeply rooted concern over what is seen as an unavoidable conflict between the factors of production that steer the capitalist accumulation process. The nature of the capitalist economy is such that producers, in the name of profit, feverishly look for means to extract surplus value from the labour that constitutes the base of capitalist production (Harvey, 1982; Swyngedouw, 2000). Within Marxist political economy, a crucial distinction is made between the actual value of the labour power that is put to work in production processes, and the value the labourers receive for this input in terms of wage (Harvey, 1982; Swyngedouw, 2000). This distinction entails that producers' long-term striving to circulate capital and realise surplus value coexists with workers' short-term concern to survive. Capitalist accumulation therefore elicits a 'class struggle' for the appropriation of surplus value between producers, workers and migrant workers. Places, in the words of David Harvey, are 'spatial fixes' that can effectively be drawn into the circulation process of capital, to be left behind again when crisis strikes (Harvey, 1982). Economic spaces such as the EU's Internal Market thus feature core areas, thriving with economic activity, that are in need of labour migrants from peripheral areas (Gidwani & Sivaramakrishnan, 2003). As opposed to the logical determinism maintained in the neoclassical view, the structural determinism harnessed by Marxist theorists implies that migrants emerge as the victims of the economic development of core areas (Yeung, 2003; Silvey & Lawson, 1999; Gidwani & Sivaramakrishnan, 2003).

Radical Marxist theory predicts that the inherent instability of the capitalist economy will eventually lead to its demise. Milder versions, sometimes referred to as neo-Marxist theories (Kraler & Parnreiter, 2005), rather seek to explain why

capitalism survives and how it changes over time. The so-called regulation theory stems from Louis Althusser's attempts to include culture, ideology and the state in Marxist theorising. The theory was first developed within the French school of political economy, and then also within the Anglo-Saxon one (Swyngedouw, 2000). This theory offers a framework for the analysis of capitalist reproduction, consisting of the intertwined dynamics of the 'regime of capitalist accumulation', the economic features of capitalism in a specific period, and the 'mode of social regulation', that is, the institutional-regulatory arrangements of that period. In the current period, these include labour migration policies, schemes and programmes.

A similarly milder version of the original Marxist argument has famously been adopted by dual labour market theorists, who argue that a 'built-in demand' for migrant labour stems from the rigid occupational hierarchies that society constructs institutionally as well as socially (Peck, 1996; Massey et al., 1993). According to dual labour market theorists, the 'bottom' of the labour markets concerns those jobs that will be insusceptible to demands to increase wages, in order not to surpass the institutionally fixed wages of jobs that are higher on the hierarchical ladder. As a consequence, motivated native workers will not accept these dead-end jobs for it would lower their social status. This induces employers to hire labour migrants, who are not bothered by the hierarchy and are desperately in need of work (Kraler & Parnreiter, 2005; Peck, 1996). Moreover, as opposed to capital, labour is a flexible production factor that can easily be dismissed in times of scarce product demand: 'the inherent dualism between labor and capital extends to the labor force in the form of a segmented labor market structure' (Massey et al., 1993, p. 443). Workers hardly ever move up across the occupational boundary between the capital-intensive primary sector and the labour-intensive secondary sector.

8.4 Placing the migrant flexworker: contextual perspectives

A reorientation towards 'process'

Deterministic traditions in migration studies and economic geography have been of great relevance to this PhD thesis. In Chapter 5, I showed that in times of uncertainty about numbers of labour migrants from new Member States after the 2004 EU enlargement, the premises of rational choice theory gave national-level

policy makers something 'safe' to hold on to when deciding whether or not to install transitional arrangements with regard to the application of the principle of the free movement of labour. More generally, neoclassical assumptions about unidirectional migration flows and permanently settling migrants seem to have guided the argumentation in political and public debates. Furthermore, few would deny that income-related motivations to migrate, due to the currently unfavourable economic circumstances in several regions in Poland and other new Member States, underlie East-West migration flows. At the same time, however, the neo-Marxist arguments I raised in Chapter 7 effectively drew attention to the demand side of these same migration flows. Despite the fact that recruitment and employment practices of workers from Poland and other new Member States in the Netherlands have much improved in recent years, the legal and ethical status of employer-employee relationships, created by labour contracts that have been drafted especially for these flexworkers, is not uncontested. Between the lines and in the small print of these contracts are hidden 'new types of vulnerability of which migrant workers suffer' (Triandafyllidou, 2006a, p. 2). Clearly, Poles and others without EU passports find themselves trapped in a dual labour market situation.

Despite substantial ideological disagreements, the marginalist and Marxist traditions share a materialistic or 'economistic' bias (Gidwani & Sivaramakrishnan, 2003; Silvey, 2004). Although appropriating very different endowments of agency to migrants, both theoretical traditions assume that economic motifs are the key factors that make people move. As a consequence, for Gidwani and Sivaramakrishnan, both traditions are two sides of the same coin, 'progress':

Neither the marginalists nor the Marxists question the Eurocentric, historicist metanarrative of 'modernity' that undergirds their models of migration, and that has taken the form of Orientalism under colonialism, Modernization under imperialism and nationalism, and Globalization under late capitalism... In this universalized story of Progress, migration and its upheavals are reduced to a necessary, if sometimes unfortunate, subplot in the unfolding of History in Europe's image. (Gidwani & Sivaramakrishnan, 2003, p. 189)

According to the marginalists, international or interregional migration ultimately benefits both home and host regions. According to the Marxists, 'migration is a

natural outgrowth of disruptions and dislocations that inevitably occur in the process of capitalist development' (Massey et al., 1993, p. 445). As a result of the search for new spatial fixes, global capital penetrates into a great many underdeveloped regions, thereby devastating local economies (Massey et al., 1993; Kraler & Parnreiter, 2005).

At this point, I shall turn to a second set of theoretical traditions in migration studies and economic geography. As these traditions do not centre on spatio-temporal outcomes, they do not centre on the economic convergence of regions through migratory movement, nor on their irreversible destruction. Rather, in these traditions the very road towards equilibrium or crisis, however twisting and turning it may be, is scrutinised. More than a given notion of progress, the migration or development *process* is what matters, and so is the context in which this process unfolds.

Transnational migration studies

The 1990s witnessed a growing awareness among migration researchers that many international migrants are part of networks between places of origin and destination. Newly arrived migrants may find homes and jobs using such networks, and potential migrants may perceive the threshold to actually migrate as considerably lower knowing that they will be received by fellow compatriots, or even by next of kin. Importantly, the literature suggests that through migrant networks, international migration flows are being reproduced (Massey et al., 1993; Kraler & Parnreiter, 2005). According to Thomas Faist (2000), the notion of social capital – which he defines as 'the arrangement of resources wielded by social and symbolic ties' (p. 117) – is of great help in understanding how these networks function. These resources include intra-group solidarity as well as reciprocal obligations. They may lower transaction costs and facilitate coordination. The concept of social capital thus links actions undertaken by individual migrants to wider institutional structures that impede or facilitate international migration (Faist, 2000). Table 8.1 presents a number of such 'doors' and 'bridges', both formal and informal ones.

Table 8.1: Doors and bridges in international migration

Spatial dimensions of analysis	Doors	Bridges
Degree of policy formalisation	Blocking or permitting exit, admission and (re-)adaptation	Attraction and linkages traversing nation-state borders
Institutionalised	Exit and entry visas, immigration regulations, passport laws, asylum and refugee regulations, access to citizenship; in general: hostile, receptive, or indifferent government policies	Labour recruitment; regional labour migration regimes; international social and labour standards; partial international regime for asylum-seekers
Informal	Expressions of social distance: negative or positive ethnic, racial, religious, cultural, regional stereotypes; (non-)prejudiced reception of newcomers; ties to brokers and gatekeepers	Migrant networks of social and symbolic ties; migration networks; economic, cultural, and social linkages between groups and non-governmental organisations within regional migration systems

Source: Faist (2002, p. 199)

Faist's work fits within a tradition of transnational migration studies. The term 'transnationalism', which was introduced by anthropologists, broadly comprises the process in which migrants build bridges across geopolitical and cultural borders (Glick Schiller, Basch & Blanc-Szanton, 1992; Szanton Blanc, Basch & Glick Schiller, 1995). Arguing that technological developments and global capitalism have greatly improved the opportunities for people to circulate, stay in contact and remit money, transnational migration researchers explain how migrants increasingly engage in activities that transcend the boundaries of the nation-state (Waldinger & Fitzgerald, 2004). From transnationalism, 'transnational social spaces' arise, connecting migrants to their countries and regions of origin while temporarily or permanently making a living in a host society (Pries, 2001; Faist, 2000; Waldinger & Fitzgerald, 2004).

Having gained sustainable popularity also among migration researchers working in other fields, the transnational tradition in migration studies is currently represented by a large body of literature that brings together reflections on specific transnational actions, such as participation in migrant representative organisations and migrant entrepreneurship (Guarnizo, 2003). As opposed to radical Marxist

claims, the transnational tradition responds positively to the question of migrant agency. Other than the rational choice tradition, it takes migrant agency as endogenous, to be studied through empirical research, rather than as exogenous, to be predefined in assumptions. Finally, transnationalism has been associated with post-structural and post-colonial scholarship dedicated to themes like liminality and transgression, hybridity and identity, and migrant subjectivity (Mitchell, 1997; Gidwani & Sivaramakrishnan, 2003; Silvey & Lawson, 1999).

New economic geographies

In economic geography, a similar interest in the regional development *process* emerged. Although I must repeat at this point the ongoing importance of neoclassical equilibrium theory in economic geography, at least in the realms of regional and spatial science, neo-Marxist and regulationist interventions have most certainly left their traces. For over time, economic geographers have engaged themselves with research themes and conventions of adjacent disciplines such as cultural studies, sociology and political economy (Barnes, 2001). According to Yeung, in so doing ‘they have refigured the “economic” through an excursion into the “cultural”, the “institutional” and the “political”’ (2003, p. 444). Hence, alternative ways of practising economic geography emerged, ways that, due to the multiplicity of approaches advocated, could be summarised as ‘new economic geographies’ (Yeung, 2003; my emphasis).

Three major differences can be discerned between the new economic geographies and the deterministic traditions in economic geography. First, in addressing questions of uneven development, new economic geographers are inclined to adopt a more sociological interpretation of institutions. Not dissimilar to Faist’s concept of social capital, this interpretation stresses the role of trust, shared responsibility, and historically grown and cherished personal relationships. The affluence of some regions is attributed to the ‘embeddedness’ of economic action in vital, innovation-driven institutional networks, and the distress of others due to a lack thereof (Yeung, 2003; Lagendijk, 2005).

Second, new economic geographies challenge the analytical categories presupposed in the rational choice and Marxist traditions. This involves issues of language, a rethinking of which activities and hence people are excluded from conventional accounts of capitalism, as well as an appreciation of resistance to

socioeconomic disempowerment (Barnes, 2001; Yeung, 2003). A telling example in this respect is the study of circular labour mobility in India by Vinai Gidwani and Kalayanakrishnan Sivaramakrishnan. The authors find that to some extent, migration enables peoples who occupy a subordinate position in the caste hierarchy of Indian regions to engender counter-hegemonic effects by, for example, bringing home with them modern consumption goods like fashionable clothes (2003). As such, ‘... labour should not be portrayed as merely passive’ (Dicken, 2004, p. 13).

Third, new economic geographies actively work with context. Contrary to the separation of structure and agency that is maintained in the deterministic traditions, the development context is considered integral to the economic actors and activities being researched (Yeung, 2003). The location and dislocation of these actions and activities is thus linked to major changes in production and capital investment, and also consumption preferences.

8.5 Towards a relational perspective on migrant flexwork

Beyond transnational practices, beyond institutional embeddedness

Challenging the modernity narrative that undergirds both neoclassical and neo-Marxist migration models, the transnational tradition in migration studies helps us understand why East-West migration flows are multidirectional, circulatory, temporary and strongly contextual.⁵⁵ As made clear in Chapter 7, many migrant flexworkers who circulate between Poland, the Netherlands and, increasingly, other EU Member States are employed and put to work by international employment agencies. Having emerged partly from social and kinship networks (which had always included demand actors), IEAs allow their workers a certain freedom, albeit a highly conditional one, to negotiate needs of income and identity. The border circumvention strategies described in Chapter 6 must be seen in the light of persistent and growing economic demands for flexible, outsourcable and, increasingly, skilled labour. In this sense, the nature of migrant flexwork as

⁵⁵ Recent calls for new forms of citizenship, mentioned in Chapter 3, are also partly a result of the growing scholarly interest in transnationalism (Kraler & Parnreiter, 2005).

described in this thesis reflects what are signalled as important themes within transnational migration studies and the new economic geographies alike.

However, critics harbour doubts about the theoretical depth of transnational migration studies. For example, the word 'transnational' is hardly a 'marker of theoretical innovation' (Guarnizo, 2003, p. 668) with such long-standing transnational institutions like the market and the Catholic Church in place (Waldinger & Fitzgerald, 2004). Moreover, the stories of international migrants who shape and reshape transnational social spaces often leave untold the multiple political constraints stemming from the national and supranational levels between which these same migrants normally hover. In the eyes of Waldinger and Fitzgerald, transnational practices are partly also contingent outcomes of these political constraints, acknowledgement of which would overcome a 'fundamental omission' in transnational migration studies (2004, p. 1181).

Remarkably, the new economic geographies have been reproached in much the same way. A more than average emphasis on embeddedness, it is argued, entails the danger of equating the presence of institutionally thick networks in a region with favourable growth conditions. Yet, regions may suffer from institutional lock-in, having outdated, overly bureaucratic and inward-looking business support structures and networking cultures. In valuing the role of context, new economic geographers must avoid such over-territorialisation, or 'soft' institutionalism, and look beyond the scale of the region (Dicken, 2004; MacLeod, 2001). According to MacLeod, the lessons taught by regulation theory are worth reconsidering in this respect. He warns us not to ignore political economy, including the wage relation, 'which abstracts relations between the labour process, labour-force reproduction, labour market governance, and lifestyles' (2000, p. 1157).

It is to these challenges that I shall now turn. The remainder of this section elaborates on the strategic-relational approach (SRA), a theoretical contribution to ongoing structure-agency debates that has been applied to, for example, the geographical study of institutions. This approach, elements of which were used in Chapter 6, in my view has the potential to situate the rich literature on transnational practices and institutional embeddedness in wider political, regulatory and discursive contexts.

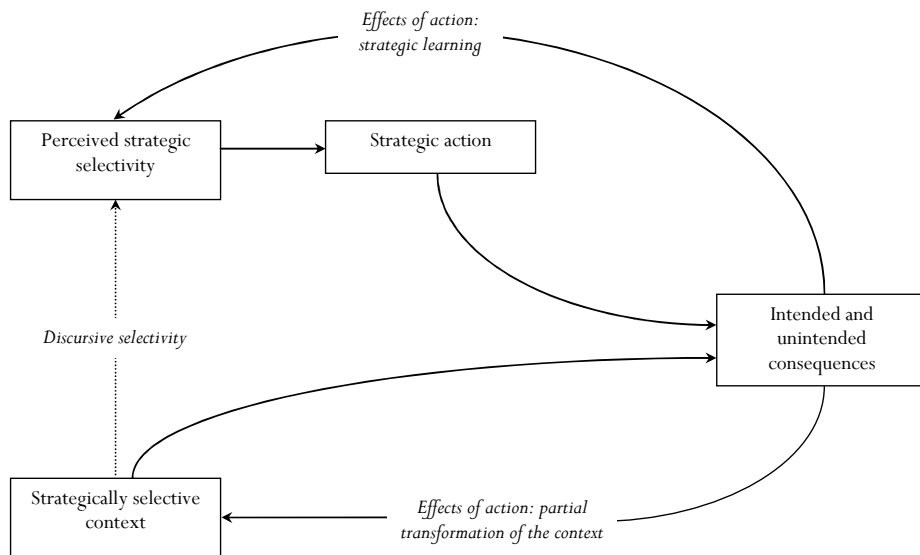
The SRA was originated and further developed by, respectively, Bob Jessop and Colin Hay, both of whom are protagonists of the British school of political economy. Although there is no straightforward definition of the SRA, not least due to the fact that it has not yet reached full maturity as a theory, the following description has been given:

The SRA acknowledges the value of ‘constructivist’ notions of processes of institutionalisation, identity formation and discursive turns. Yet, while doing so, it seeks to explore the way such processes, through the strategic manipulations, become structurally inscribed in more or less stable, selective environments. One way to read the SRA, therefore, is as a way to bring both ‘structure’ and the ‘subject’ into a post-structurally inspired debate. Starting from the perspective of regulation approaches, one can also read the SRA as a theoretical project used to address perceived shortcomings of structuralist-institutionalist perspectives such as the regulation approach, notably through a conceptualisation of the role of the subject and strategy. (Lagendijk, 2005, p. 6)

In other words, the SRA examines structure in relation to the subject (action), and the subject (action) in relation to structure (Jessop, 2001; Lagendijk, 2005). According to Bob Jessop, this process can be understood through the concept of ‘structurally inscribed strategic selectivities’ (Jessop, 2001). It broadly implies that actors are constrained and guided in their actions by structures that reward behaviour that helps to reproduce them (ibid.). Since actors are reflexive, they are able to strategically revise behaviour and cope with strategically selective structures. For Colin Hay (2002), however, Jessop’s interpretation of agency relies too much on the assumptions of rational choice theory and is therefore too structural, still too deterministic. Rather, Hay believes, ‘all action contains at least a residual strategic moment though this need not be rendered conscious’ (2002, p. 132). He urges us to differentiate between intuitively strategic (such as habitual) and explicitly strategic (like calculative) action (Hay, 2002). Moreover, not only do actors only partially behave strategically and consciously, but their behaviour is influenced by those

convictions about society and societal developments, ‘ideas’ in the words of Hay, that dominate at a given point in time. Strategic conduct, hence, is strategic only insofar that it follows the actors’ *discursive* interpretation of structures. Hence, in addition to strategic selectivity there is also discursive selectivity, which explains how actors perceive the strategically selective context. The strategic action that is finally undertaken may thus be intuitively or explicitly strategic, and may be based on information that is only to some extent complete and accurate. From this action result intended and unintended consequences, both of which in turn provide ample opportunity for strategic learning. Combined, the ideas of Jessop and Hay are visualised in Figure 8.1.

Figure 8.1:
Discursive and strategic selectivity in the SRA



Source: Hay (2002, p. 131)

Structurally inscribed discursive and strategic selectivities are ‘always and inherently spatio-temporal, and this in turn creates the space for both a geography of institutions and for a recognition of institutions as being, inter alia, geographical accomplishments’ (Jessop, 2001, p. 1227). Far from charting the course towards an

equilibrium state, however, the SRA theoretically shows that even though certain spatio-temporal institutional outcomes are strategically selected for and perhaps are very likely to occur, they are ‘by no means inevitable’ (Hay, 2002, p. 130).

In sum, insights from the SRA may contribute to the conceptualisation of migrant flexwork in a twofold manner. First, through its concern with discursive selectivity, the SRA helps us to understand why perceptions of unacceptable uncertainties and risks associated with enlargement overpowered the basic EU principle to open up labour markets. In addition, the fact that not all old Member States imposed transitional restrictions on the free movement of labour is consistent with what the SRA says about the unpredictability of spatio-temporal outcomes. A consequence of widespread moral panics about mass migration, the transitional restrictions on free movement may have been strategically selected, but they indeed did not prove inevitable.⁵⁶ Furthermore, the transitional restrictions yielded intended and unintended consequences: some were discouraged and stopped by them, while others were encouraged *not* to be stopped by them. Second, therefore, the SRA in my view makes clear that the actors featuring in this thesis – be they political parties, the media, research collectives, local entrepreneurs and their advisers, or of course the migrant flexworkers – not only juggle with the prevailing contexts and to some extent succeed in reflexively reorganising them, they *are* context.⁵⁷ The geopolitical expansion of the EU, which has now been going on for decades, is not a project exclusively orchestrated from above, by EC officials, at specific moments in space and time. Instead, before and after actual enlargement rounds, its course and contents are negotiated, partly transformed and challenged by a myriad of strategic and discursive moments surfacing at *all* scales and times.

⁵⁶ The negotiated Dutch solution described in Chapter 4 is very different from the straightforward majority votes system used in, for example, the Swedish parliament, which voted in favour of opening up the labour market.

⁵⁷ It must be noted that power is divided among these actors in highly asymmetrical ways (Dicken, 2004). Whereas the migrant flexworkers’ structurally oriented strategic action is often predicated upon border circumvention strategies that are invented by the more resourceful employing or third parties (Chs. 6 and 7), political discourse, the media and mainstream migration studies (Chs. 4 and 5) benefited from each other’s presence through a form of power relations that is called ‘relational complementarity’ (Yeung, 2005).

A final step for me to take towards a relational perspective on migrant flexwork is to recapitulate the literature and insights from border studies that were used in this thesis. An interdisciplinary subfield in its own right, there are border studies devoted to the formation of state borders, an otherwise classic geopolitical topic, to the social construction of borders and border regions, and to cross-border interaction, including cross-border labour mobility (van Houtum, 2005). The thematic border literature reviewed in Chapter 2 described how the managerial migration state, in its contemporary geopolitical manifestations extending beyond the state border proper, aims to retain control over who enters and leaves its sphere of jurisdiction at many borders sites and in many border spaces. The telling names given to these sites and spaces evince that notions of border, boundary and frontier are powerful metaphors. Yet, these same notions mirror corporeal institutional barriers, which, as was shown, can be challenged by what the SRA calls explicitly strategic, rational action, albeit for many migrants at the peril of losing their invested money, personal freedom or even their lives.

At the end of Chapter 2, though, following Michael Samers on this point, I argued to enrich the current research on the ‘Europeanisation’ of migration policy with literatures that involve ‘a large dose of post-rationality and post-functionalism’ (2003, p. 575). Above, we saw that the SRA holds that courses of collective action are influenced by strategically selective contexts, discursive selectivity as well as the human inclination to act intuitively, habitually and therefore not necessarily consciously. Even though they may come across as sociological truisms (Hay, 2002), these latter statements bear on highly abstract theoretical ideas about the nature of the human psyche. Foregrounding the realm of the *unconscious*, where the subject allegedly stalls painful memories and represses unfulfilled desires, these are ideas that stem from various schools of psychoanalysis and that have strongly influenced border studies in recent years (Pile, 1995; Bondi, 2005; van Houtum, 2005). Basically, this entails the question why there are borders against migration, and why people are inclined to reproduce them (van Houtum, 2000, 2005). Engagement with these ideas allows border researchers to productively shed light on the complex relations between the fragmented self and the wider social, thereby avoiding what feminist, post-structural and post-colonial scholarship as well as the SRA aim for, namely a structure-agency dichotomy (Pile, 1993).

In this thesis, I have used a selection of this literature, notably the work and ideas of David Sibley, Julia Kristeva and Jacques Lacan, to scrutinise the origins and consequences of the transitional restrictions on the free movement of labour. Based on these inquiries, I concluded in Chapters 3, 4, and 5 that fear of mass migration from new EU Member States led the EU-15 to border, to fence off, a perceived massive future inflow of threatening migrant workers. I argued that collective sensations of discomfort about the possible loss of control over, in this case, economic security, were addressed by media headlines and parliamentary talk, in turn supported by the artificial certainty provided by migration forecasts. I believe that acknowledgement of these fears and excitements, and of how they are mediated between people across spatial scales and over time, is indispensable in a relational perspective on migrant flexwork in the enlarged EU.

8.6 A research agenda: reintroducing the state

The remarks made in the previous sections touched upon a number of issues that, in my opinion, could be very interesting for further research. In particular, I shall propose a research agenda that responds to Gordon MacLeod's call not to forego the study of the role of the nation-state, in this case in enabling and constraining labour mobility within and also into the EU. Similar to the structurally inscribed strategic selectivities alluded to by the architects of the SRA, MacLeod asserts that geographical research in any scalar or relational setting should attempt to disentangle the ways in which certain actions, and therewith also places, are privileged over others (MacLeod, 2000). In more precisely defining such a research agenda, I first recall the hypothesis phrased (somewhat drily) in the 2005 SOPEMI report for Poland: 'Perhaps inertia, networks, established employment relationships, and entrenched demand patterns serve to sustain flows independently of the underlying institutional environment' (Kępińska, 2005, p. 28).

In hindsight, these words were well chosen. This thesis has shown the importance of social migrant networks as well as, within these networks, of the demand side, broadly understood as employers, their recruitment agents, and private legal and fiscal advisers. It was also shown that the circular labour mobility between Poland and the Netherlands, as a timely instance of East-West migration, is linked to neoliberal projects enacted *with a view to* the Dutch state and its priorities

regarding the preservation of security and identity. Despite the deeply political (some would perhaps argue, the unprecedented or even ahistorical) nature of these desires to preserve, the state-oriented institutional inertia at stake here should not be overlooked. Long before the emergence of biopolitically managing migration states in the late 20th and the early 21st century, the Foucauldian-style governmentality exercised by the nation-state over its resident population served ‘... to normalise and reproduce sedentary modes of existence and pathologise and repress nomadic modes of existence’ (McVeigh, 1997, p. 9). For the well functioning of property rights laws, population censuses and social security systems, for people to become visible in statistics, they must be place-bound (see also the discussion in Chapter 5 about the natural primacy that is often attributed the notion of place). The sheer amount of space occupied by state apparatuses in this way, including the space that is nowadays claimed through remote-control legal cooperation between states, has literally left little room for people to be mobile without intervention by some governing authority. Every instance of mobility produced rhetorically or, as evidenced in this thesis, in the courtroom, is therefore framed by a ‘sedentarist metaphysics’ (Cresswell, 2006).

Hence, today, the regulation and allocation of wages, labour rights, labour duties, social security benefits, pensions and tax deductions for resident native workers is firmly fixed at the level of the state. Although, for example, more empirical research on the rigidities of wage regulation in the EU is exactly what is needed, at this point it can be ascertained that at present, a harmonised EU system of labour law, social security and taxation does not exist, nor does a uniform system to coordinate what currently amounts to 27 national systems (Essers & Willems, 2005; Douven et al., 2006). As it turns out, the more mobile workers are, the more difficulties can be expected with regard to their legal, social and fiscal status – an idea that was alluded to in Chapter 6. Polish flexworkers hired by Dutch international employment agencies and put to work in the Netherlands, then in Belgium and then in Germany are a much greater source of legal anomalies and legal dispute than cross-border commuters between the Netherlands and Germany. Put differently, the present lack of harmonisation, or even coordination, of labour, taxation and social security legislation in the enlarging EU is potentially a greater barrier to ‘free’, circular labour mobility than the transitional arrangements. Whereas the Member States are obliged to lift these in 2011 at the latest, it is expected that these legal institutions will remain inert for some time. What is more,

the research findings suggest that for some actors and groups of actors – who are very differently empowered but invariably creative – the transitional restrictions do not form a barrier at all. As alternative, quasi-legal pathways are explored, precisely the systemic incompatibilities that are encountered when moving along these pathways allow self-employed migrants, but mostly recruiters and employers in the places of destination, to obtain significant cost advantages and even profit. In turn, these observations suggest that the protective institutional borders to some extent create what they are supposed to prevent: unfair competition for native workers as well as below standard payments and unacceptable working conditions for migrant flexworkers.

These difficulties notwithstanding, labour market flexibilisation is swiftly becoming an issue of considerable political priority and societal uproar even in the continental EU Member States. In the Netherlands, there is growing awareness of the low degree of competitiveness of strongly protected Dutch workers vis-à-vis quasi-legally entered and employed Polish workers. In France, the publication of the posting directive in its unabridged version stirred an intense moral panic about service providers from new Member States, personified by the figure of the cheap and flexible Polish plumber, supposedly threatening French workers of various professions. France was also the scene of mass student protests against government plans to make it easier to dismiss young employees. The aim of these plans was to persuade employers to flexibly hire and fire young workers, thereby reducing the structurally high levels of youth unemployment in the country.⁵⁸ Throughout the EU, the whimsical geographies of international capital investment, not least the growing importance of private equity investors who take over and then rapidly withdraw from firms, threaten many with job loss. In these circumstances, national governments are confronted with a hard question, namely how to indulge desires for economic security while welcoming investments in knowledge and innovation.

Based on the ideas raised in this thesis, more attention to the geopolitical, the political-economic and the sociospatial aspects of jurisdiction on the labour market entry and employment of migrant workers is justified. Particularly, it is hoped that

⁵⁸ The present attempts to flexibilise labour markets across the EU speak to a mode of social regulation, arguably a post-Fordist one, in which people are no longer seen as agents of social control, as is implied in the concept of governmentality. Instead, this mode entails a ‘new “care of self”, everyone is an expert on herself, responsible for managing her own human capital to maximal effect’ (Fraser, 2003, p. 168).

such work would elucidate how forms of labour mobility in the EU are produced in the space of the courtroom (see also Cresswell, 2006). Does the managerial migration state function by virtue of waiting and slowness, of inertia and stasis? Who benefits from migrant flexwork, and from the flexibilisation of labour markets more generally? What does being highly mobile and flexible mean for the attachment of workers to places of work and residence? And finally, are migrants the ultimate end of the managerial migration state, or is it the state, or is it management?

8.7 Conclusion

In Chapter 1, I referred to the fact that, with the exception of Finland and Sweden, all EU-15 Member States have imposed transitional arrangements with regard to the application of the freedom of movement of labour for citizens of Romania and Bulgaria. Hence, for a period of at least two years after these countries' accession to the EU on 1 January 2007, labour markets across the EU-15 will be closed to their workers, who are widely expected to come in masses, to oust native workers and to cause all kinds of unwanted vagabonding and even crime. Nevertheless, in the past few years, several Member States, notably those in southern Europe, have become top destination countries for many illegally employed Romanian and Bulgarian workers. Based on the conclusions of this research project, centralising East-West migratory movements ensuing from the 2004 EU enlargement round, one is inclined to cast doubts on the expected relative success of a new chain reaction of restrictive measures in halting this development.

Remarkably, also Hungary, as a new Member State that is itself confronted with transitional restrictions, is now attempting not to have its labour market disturbed by Romanian and Bulgarian migrant workers. This newest stratification in EU citizenship status hints at borders among 'old neighbours' being recreated yet again. Hungary shares a state border with Romania, where, as a consequence of historical shifts of the border, a large minority of Hungarian citizens live. At present, it is unclear how existing flows of cross-border commuting and labour migration between these states will be affected. Which exceptions will be made by the Hungarian government, how will migrants and potential migrants respond, how will demand actors and associated parties respond? Regarding the time-frame during

which this thesis was written, Poland turned out to be a well-documented and interesting instance of East-West migration. In the years to come, there will be a window on Romania and Bulgaria: on specific home and host regions, on the composition of migration flows, on gender issues, on the grey area between legality and illegality. These cases will provide geographers and migration researchers with other disciplinary backgrounds with a wealth of opportunities to learn more about the spatio-temporal dimensions of labour mobility in the enlarged EU.

My aim for this chapter was to develop a heuristic theoretical perspective on migrant flexwork, abstracting the literatures by which, in Chapters 2 – 7, I endeavoured to follow in the footsteps of East-West migration. Using rational choice and Marxist approaches to migration and development, and insights from transnational migration studies and the new economic geographies, we are able to understand that citizens of new Member States are willing to move to the EU-15 for work purposes, that these migratory movements are multidirectional and multifaceted, and that context matters. However, in these theoretical traditions, context is still often seen as the sum of institutional doors and bridges: given instruments of material migrant selectivity that grant access to a limited number of migrants with specific skill qualifications in specific domains of the labour market, while denying access to many. Yet, they fall short in conceptualising the respective roles of strategy and discourse, which otherwise appear to have been crucial in several stages of the moral panic about mass migration, as well as in its aftermath. As an alternative, I suggested the SRA, which posits the relationship between structure and human agency as mutually constitutive, committing itself more to the analysis of spatio-temporal processes than of outcomes. Courses of action are ideationally charged, and may be discursively influenced. Besides, one of the main goals of the SRA, as a theoretical project much inspired by neo-Marxism, is to explain capitalist reproduction. As such, it can help us to relate, in non-deterministic ways, transnational practices – including those of immobile demand actors who seek to turn to their advantage neoliberal mazes and blind spots – to global capitalism in its various flexible forms. As a final step towards the development of a relational perspective on migrant flexwork, I argued that psychoanalytical interventions in border studies may further enrich the critical scholarly reflection on unconscious desires to reinstate divisive lines in Europe.

Today, the presence of migrant flexworkers from new Member States in localities across the EU is increasingly felt by those who, for the time being, have the

choice not to be mobile and flexible across borders. Future research on the production of EU labour mobility at the margins of state law will hopefully contribute to consolidate this visibility in terms of empowerment.

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Samenvatting

Dit proefschrift gaat over arbeidsmigratie van nieuwe lidstaten naar oude lidstaten van de Europese Unie (EU). Op 1 mei 2004 traden Estland, Letland, Litouwen, Polen, Hongarije, Tsjechië, Slowakije, Slovenië, Cyprus en Malta toe tot de EU. De uitbreiding zou volgens velen een massale toestroom van werknemers uit nieuwe naar oude lidstaten tot gevolg hebben. Dit vermoeden is vooral te herleiden tot de gebeurtenissen na de eenwording van Duitsland, toen grote aantallen werknemers uit de armere, oostelijke deelstaten naar het westen van het land vertrokken. Bang voor de gevolgen van eenzelfde ontwikkeling na de gelijktijdige toetreding van zoveel landen met een relatief laag inkomen per hoofd van de bevolking en een relatief hoog werkloosheidspercentage besloten de oude lidstaten, met uitzondering van het Verenigd Koninkrijk, Ierland en Zweden, hun arbeidsmarkt gedurende twee jaar dicht te houden voor burgers van nieuwe lidstaten. Deze overgangsmaatregelen staan in het proefschrift centraal.

De maatregelen, die overigens niet gelden voor burgers van Cyprus en Malta, staan haaks op het vrije verkeer van arbeid in de EU. Het vrije verkeer van arbeid is één van de basisprincipes van Europese integratie. Het beoogt de interne grenzen die de arbeidsmobiliteit van burgers van EU lidstaten belemmeren, zoveel mogelijk weg te nemen. Hierbij gaat het niet zozeer om staatsgrenzen, want die zijn opengesteld door het Verdrag van Schengen, maar om barrières van institutionele en wetgevende aard op de arbeidsmarkten en in de sociale zekerheids- en belastingstelsels van de lidstaten. Een gebruikelijke manier om de arbeidsmarkttoegang van mensen die geen staatsburger zijn te regelen, is via een tewerkstellingsvergunning. Bij de toepassing van het vrije verkeer van arbeid bestaat deze vergunningseis niet langer. Burgers van landen die al voor 1 mei 2004 lid waren van de EU hebben dus geen tewerkstellingsvergunning nodig als zij in een andere lidstaat aan het werk willen. De overgangsmaatregelen houden concreet in dat deze eis voor burgers van nieuwe lidstaten wel wordt gehandhaafd. Daarnaast is hun toegang tot sociale zekerheid beperkt.

In 2006 besloot een aantal lidstaten, waaronder Duitsland en Oostenrijk, om de periode waarin de maatregelen van kracht zijn met nog eens twee jaar te verlengen. In Nederland en België bestond lang onduidelijkheid over het al dan niet verlengen van de overgangsmaatregelen. Pas met ingang van 1 mei 2007 zijn ze,

althans in Nederland, opgeheven. In het Toetredingsverdrag uit 2003, dat is goedgekeurd door de nationale parlementen van zowel de nieuwe als de oude lidstaten, is vastgelegd dat alle overgangsmaatregelen uiterlijk in 2011 moeten zijn verdwenen.

De overgangsmaatregelen kunnen worden beschouwd als een institutionele grens. Institutionele grenzen creëren een verschil in wettelijke status tussen mensen, in dit geval tussen EU burgers. Volgens de kerngedachten achter Europese integratie zou zo'n verschil er niet moeten zijn. Het proefschrift belicht dit normatieve, morele aspect van de overgangsmaatregelen. Daarnaast gaat het proefschrift uitgebreid in op de effecten van deze maatregelen. Uit statistieken blijkt, dat het aantal Oost-West migranten dat na 1 mei 2004 naar de 'open' arbeidsmarkten vertrok, namelijk die van het Verenigd Koninkrijk, Ierland en Zweden, op het eerste gezicht groter is. Toch is het de vraag welke rol *bestaande* migratienetwerken, arbeidsverhoudingen en vraagpatronen spelen in de arbeidsmigratie tussen nieuwe en oude lidstaten. Al sinds het begin van de jaren negentig, na de omwentelingen in Centraal- en Oost-Europa, is er sprake van economische migratie uit Polen en andere Oost-Europese landen naar West-Europa. Deze factoren zijn mogelijk van invloed op het functioneren van de overgangsmaatregelen.

Dit proefschrift beschrijft de resultaten van een promotieonderzoek dat duurde van de zomer van 2002 tot en met het einde van 2006. In deze periode waren de uitbreiding van de EU en de (gevreesde) gevolgen daarvan voor Oost-West migratie voortdurend in het nieuws. Mede daardoor is dit onderwerp zeer goed gedocumenteerd, zowel in de wetenschappelijke als in de beleidsliteratuur. Dit betekent dat van 2002 tot en met 2006 de mogelijkheid bestond om het grens- en migratiebeleid van de EU op de voet te volgen, net als de aandacht vanuit de politiek, de media en de wetenschap. De plaats van waaruit het onderzoek werd uitgevoerd, de Radboud Universiteit in Nijmegen, bevindt zich bovendien in een grensregio die al jaren een belangrijk bestemmingsgebied is voor arbeidsmigranten uit Oost-Europa. Lokale ontwikkelingen met betrekking tot de arbeidsmarkttoegang en de tewerkstelling van migrantwerknemers konden daardoor in het onderzoek worden meegenomen. Overigens waren eind 2006 de overgangsmaatregelen in Nederland nog steeds van kracht. Ook waren op dat moment Roemenië en Bulgarije nog niet toegetreden tot de EU. Dat gebeurde op 1 januari 2007. Hoewel ook ten aanzien van Roemenen en Bulgaren overgangsmaatregelen zijn getroffen, was het te vroeg om de specifieke effecten daarvan in dit proefschrift te onderzoeken. Veel

aandacht wordt juist besteed aan arbeidsmigratie uit Polen. Dat land is met 38 miljoen inwoners niet alleen verreweg de grootste nieuwe lidstaat, maar het zeer hoge Poolse werkloosheidspercentage gaf in het bijzonder aanleiding tot wilde speculaties over grote toestromen van Polen naar Nederland en andere oude lidstaten.

Het proefschrift bestaat uit 8 hoofdstukken. Het eerste hoofdstuk is de inleiding tot het thema. In de hoofdstukken 2 tot en met 7 staat telkens een deelaspect van het overkoepelende thema – de overgangsmaatregelen ten aanzien van arbeidsmigratie uit nieuwe lidstaten – centraal. Elk van de hoofdstukken 2 tot en met 7 vormt als zodanig een afgeronde tekst, die onafhankelijk van de andere teksten te lezen is, maar toch deel uitmaakt van een groter geheel. De hoofdstukken zijn vrijwel integraal overgenomen van artikelen die zijn gepubliceerd, of op korte termijn worden gepubliceerd, in een wetenschappelijk boek (hoofdstuk 2) en in wetenschappelijke tijdschriften (hoofdstuk 3 tot en met 7). De keuze voor deze opzet heeft het mogelijk gemaakt om delen van het onderzoek te publiceren voor het verschijnen van dit proefschrift.

Hoofdstuk 2 is een samenvatting van wetenschappelijke literatuur over (institutionele) grenzen tegen migratie in de EU, waarvan de overgangsmaatregelen een speciaal geval zijn. In deze literatuur worden twee belangrijke ontwikkelingen beschreven. De eerste is dat de regulering van grenzen en migratie steeds meer wordt ingevuld met behulp van op de markt geënte managementinstrumenten en door de markt geleverde technologieën. Daarmee moeten niet alleen (toekomstige) veiligheidsrisico's worden beheerst, maar ook economische risico's. In de lidstaten is veel baanonzekerheid als gevolg van het verdwijnen van productiewerk en het tijdelijke karakter van nieuwe kapitaalinvesteringen. Onder die omstandigheden is een grens een handig middel om economische migranten niet, of zeer selectief, of oogluikend, toe te laten. De tweede ontwikkeling betreft de ruimtelijke uitwerking van het gebruik van deze instrumenten en technieken. De grenzen die migranten op weg naar en binnen de EU moeten passeren, kunnen in toenemende mate worden opgevat als een netwerk van knooppunten. Daarbij kan gedacht worden aan internationale luchthavens waar paspoorten worden gecontroleerd en aan administratiekantoren waar beslist wordt over het toekennen van een bepaalde status of sociale voorziening aan migranten. De metafoor van de *queue*, letterlijk de *wachtrij*, geeft treffend weer dat het management van grenzen en migratie in de EU in veel opzichten synoniem is aan het management van wachttijden in wachtruimtes.

In hoofdstuk 3 wordt een meer normatieve beschouwing gegeven van hetzelfde onderwerp. Het hoofdstuk begint met een bekend argument uit de economische protectieliteratuur dat stelt, dat *onvrij* verkeer van kapitaal en arbeid vanuit herverdelingsoogpunt inefficiënt is. Vanuit menselijk oogpunt stellen kritisch geografen en liberale filosofen daarboven, dat grenzen tegen migratie moreel onverdedigbaar zijn. Deze argumenten worden vervolgens aangevuld met verrassende inzichten uit de psychoanalyse. Met behulp van deze inzichten kan verklaard worden waarom, in algemene zin, er zoveel grenzen tegen migratie zijn. Wie zich bedreigd voelt door een te grote menselijke invloed van buiten, in de literatuur aangeduid als de Ander, ervaart een gebrek aan ruimte om onvervulde verlangens te realiseren. Als reactie hierop zal zij zich terugtrekken in zichzelf, om de Ander op afstand te houden. In die zin is er een analogie met de EU lidstaten, die migranten weren om wensen van de samenleving op het gebied van veiligheid, welvaart en ook nationale identiteit te kunnen vervullen. Wellicht zeggen grenzen tegen migratie dus meer over hen, die zich binnen het begrensde gebied bevinden, dan over hen daarbuiten.

Stromen, hordes en massa's van de Ander. Hiervoor zijn volgens het derde hoofdstuk de meeste oude lidstaten zo bang. De gedachten uit dit hoofdstuk komen terug in hoofdstuk 4, dat verslag doet van de morele paniek die in Nederland heerste over 'massamigratie' uit nieuwe lidstaten. Deze angst kwam tot uitdrukking in debatten in de Tweede Kamer en in nieuwsberichten, achtergronden en opiniebijdragen in de media. In de zes maanden die de paniekdiscussie duurde kreeg de Ander een naam. Arbeidsmigranten uit nieuwe lidstaten, vaak gepersonifieerd door de inwoners van de grootste van de toetreders in 2004: Polen. De morele paniek heeft uiteindelijk geleid tot het treffen van overgangsmaatregelen door de Nederlandse regering kort voor 1 mei 2004.

Onlosmakelijk verbonden met de angst voor massamigratie uit nieuwe lidstaten waren oproepen om die risico's te berekenen of op zijn minst in te schatten, die geassocieerd werden met het toepassen van het principe van vrij verkeer van arbeid. Hierbij ging het om aantallen migranten en hun impact op de Nederlandse arbeidsmarkt en het Nederlandse sociale zekerheidsstelsel. In de aanloop naar de uitbreiding zijn dan ook verschillende *risk assessments* uitgevoerd, in Nederland en in andere oude lidstaten. Zonder uitzondering leverden zij indrukwekkende aantallen op, zeer geschikt materiaal voor krantenkoppen en debatten tussen voor- en tegenstanders van het openen van de grenzen. Hoofdstuk 5

biedt een diepgaande analyse van studies waarin geprobeerd werd Oost-West migratie na de uitbreiding van de EU in 2004 te voorspellen. Het blijkt dat deze op wiskundige modellen gebaseerde studies sterk zijn in het voorspellen van de lange termijn-effecten van arbeidsmigratie uit nieuwe lidstaten. Zij zijn echter zwak in het in kaart brengen van effecten op de korte en middellange termijn. Toch wilden politici en beleidsmakers juist over deze effecten meer zekerheid hebben. Dat de migratievoorspellingen die zekerheid niet konden bieden, heeft in elk geval in Nederland bijgedragen aan het besluit om overgangsmaatregelen te treffen.

In het vijfde hoofdstuk kwam onder andere naar voren, dat bepaalde aannames van wiskundige migratievoorspellingen niet kloppen. Zo is arbeidsmigratie uit nieuwe lidstaten geen lineaire beweging tussen thuisregio en eindbestemming. Het gaat eerder om circulaire migratie, waarbij mensen langere perioden van werk in het buitenland afwisselen met een kort verblijf thuis. Sommigen houden dat jaren vol, maar uiteindelijk keert een meerderheid van de arbeidsmigranten uit nieuwe lidstaten permanent terug naar het land van herkomst.

Hoofdstuk 6 probeert meer inzicht te krijgen in de dynamiek van Oost-West migratie. Daartoe is veldwerk gedaan in het grensgebied tussen Nederland (delen van Limburg, Noord-Brabant en Gelderland) en Duitsland (delen van Nordrhein-Westfalen). Het hoofdstuk doet verslag van de analyse van interviews en gesprekken met actoren die te maken hebben met de overgangsmaatregelen in concrete tewerkstellings- of handhavingssituaties: internationale arbeidsmarktbemiddelaars, arbeidsinspecteurs, werkgevers, beleidsmakers en migrantwerknemers. Het blijkt mogelijk om arbeidsmigranten te werk te stellen volgens methoden waarmee de overgangsmaatregelen op creatieve wijze omzeild worden. Vaak zijn het fiscaal juristen en accountants die dergelijke methoden bedenken en verfijnen. Regelmatig komt de rechter eraan te pas om uitspraak te doen over de rechtsgeldigheid van deze methoden. De bevindingen van dit hoofdstuk zijn gespiegeld aan de resultaten van onderzoek in een ander gebied in de EU, namelijk dat rond de Poolse stad Łódź. In Łódź bevinden zich twee grote bazaars. Op deze bazaars zijn van oudsher veel handelaars en kopers actief uit naburige landen als Rusland, Wit-Rusland en de Oekraïne. De geleidelijke invoering van het Schengenverdrag door Polen maakt het moeilijker voor deze mensen om de grens over te steken en deel te nemen aan de bazaar-economie in Łódź. Ook onder deze omstandigheden wordt gebruik gemaakt van creatieve strategieën om pendelmigranten toch toe te laten. Uit de vergelijking

blijkt verder, dat Polen niet alleen een herkomstland maar ook een bestemmingsland van Oost-West migratie is.

Eén van de opvallendste actoren uit het vorige hoofdstuk zijn internationale arbeidsbemiddelaars, te vergelijken met uitzendbureaus die tijdelijke, doorgaans Nederlandse werknemers zoeken voor de Nederlandse arbeidsmarkt. Internationale arbeidsbemiddelaars zijn echter gespecialiseerd in het werven van tijdelijke werknemers uit het buitenland, veelal uit nieuwe lidstaten. Dit fenomeen is ontstaan vanuit de agrarische sector in Zuid-Nederland. Ondernemers in die sector zagen in uitzendwerk een mogelijkheid om mensen uit Polen die, om historische redenen, ook de beschikking hebben over een Duits paspoort, in Nederland seizoensarbeid te laten verrichten. Inmiddels worden de migranten vooral geworven voor logistieke en productiewerkzaamheden. In hoofdstuk 7 wordt een kritische beschouwing gegeven van de bemiddelaars en hun activiteiten. Enerzijds hebben zij de arbeidsomstandigheden van migrantwerknemers uit nieuwe lidstaten sterk verbeterd. Anderzijds is de concurrentie tussen de vele tientallen bemiddelaars zo hevig, dat zij werkgevers extreem flexibele werktijden aanbieden. Migranten worden vaak 's avonds, 's nachts en in weekenden tewerkgesteld, en de tijd die zij moeten wachten tussen twee uitzendbanen wordt geminimaliseerd. Omdat grensoverschrijdende arbeidsmarkt bemiddeling helpt om de mobiliteit tussen, en ook de flexibiliteit op de verschillende arbeidsmarkten in de EU te verbeteren, ligt het in de verwachting dat deze vorm van ondernemerschap in belang zal toenemen na het afschaffen van de overgangsmaatregelen.

In hoofdstuk 8 worden de conclusies van het onderzoek gepresenteerd. De overgangsmaatregelen met betrekking tot het vrije verkeer van arbeid, getroffen door een meerderheid van de oude lidstaten, zijn een gevolg van maatschappelijke angsten voor grote, in potentie massale aantallen mensen die na de toetreding van hun land tot de EU naar West-Europa zouden kunnen komen. Deze angsten, ontstaan in paniekdiscussies gevoerd door de politiek en in de media, hadden vooral te maken met economische onzekerheid, maar raakten ook aan vraagstukken van veiligheid en nationale identiteit. In deze discussies werden de arbeidsmarkten van de lidstaten na 1 mei 2004 afgeschilderd als 'overspoeld' door werknemers uit nieuwe lidstaten. Ook de wetenschap heeft hieraan bijgedragen: met veel onzekerheid omgeven migratievoorspellingen waren koren op de molen van invloedrijke tegenstanders van het openen van de grenzen.

Het doel van de maatregelen is om de instroom van werknemers uit nieuwe lidstaten te beheersen, te ‘managen’, in het jargon van hedendaags migratiebeleid. Maar deze wens tot beheersbaarheid heeft een prijs. Migrantwerknemers, werkgevers en internationale arbeidsbemiddelaars moeten vaak lang wachten op een tewerkstellingsvergunning of een ander legale status, net als op bijbehorende sociale voorzieningen. Dit is terug te voeren op de complexiteit van administratieve procedures. Mensen krijgen niet alleen te maken met beleid dat voortdurend aan veranderingen onderhevig is, maar ook met de grillen van beslissingsbevoegde ambtenaren die het beleid implementeren. Deze complexiteit kan migranten ontmoedigen om een beroep doen te op voorzieningen waarop zij wel degelijk recht hebben. In het ergste geval worden zij ontmoedigd om op legale wijze toegang tot de Nederlandse arbeidsmarkt te zoeken. De hoofdstukken 2, 6 en 7 laten zien dat een al te grote nadruk op beheersbaarheid zeer bedrieglijk kan zijn, want de overgangsmaatregelen hebben allerlei onbedoelde consequenties.

Een bekend argument uit de huidige migratieliteratuur stelt dat gesloten grenzen illegale migratie in de hand werken. In dit proefschrift is het kunstmatige onderscheid tussen legale en illegale migratie verder geproblematiseerd door de voorbeelden van ‘quasi-legale’ toegangs- en tewerkstellingsmethoden die werden gegeven. Deze worden uitgevonden, in de markt gezet en voor de rechtbank verdedigd door actoren met veel kennis van juridische en boekhoudkundige details. Zij maken op creatieve wijze gebruik maken van mazen in de wet en van alternatieve wettelijke kaders, zoals de Europese dienstenrichtlijn. Er bestaat een duidelijke vraag naar deze methoden van de kant van werkgevers en internationale arbeidsbemiddelaars. De overgangsmaatregelen kunnen met deze methoden omzeild worden, en ze kunnen een neerwaarts effect hebben op de totale arbeidskosten die een werkgever moet betalen voor het inhuren van tijdelijke werknemers uit nieuwe lidstaten. Al met al ondersteunen de bevindingen het idee dat migratie een veel complexer fenomeen is dan een aanbodgestuurde ‘stroom’ tussen thuisland en bestemming die kan worden voorspeld, in kaart gebracht en beheerst. De vraagzijde is minstens zo belangrijk. En in zeker opzicht veroorzaken de overgangsmaatregelen wat zij juist zouden moeten tegengaan. Ze hebben geleid tot situaties waarin sprake is van oneerlijke concurrentie voor binnenlandse werknemers en ondermaatse arbeidsomstandigheden van buitenlandse werknemers.

De verschillende lidstaten en ook de Europese Commissie, zo blijkt uit recente beleidsdocumentatie over economische migratie, willen graag naar een

selectiever migratiebeleid in de nabije toekomst. De vele bilaterale en seizoensverdragen die er naast de overgangsmaatregelen bestaan ten aanzien van arbeidsmigranten uit nieuwe lidstaten zijn uitingen van deze selectiviteit. Dat geldt ook voor private initiatieven om bepaalde groepen migranten te werven. In het toch abstracte economische landschap waar de Europese interne markt voor staat, zijn dus veel concrete grenzen en grensovergangen te vinden. De meest tot de verbeelding sprekende grensplaats waar actoren elkaar ontmoeten is de rechtbank, waar conflicten over de interpretatie en de toepassing van nationaal en Europees arbeids-, sociale zekerheids- en belastingrecht worden beslist. De rechtbank is in feite dé plaats waar de kenmerken worden vastgelegd van wat in dit proefschrift *migrantflexwerk* wordt genoemd. Deze term verwijst naar de zeer hoge mobiliteit, inzetbaarheid en daarmee flexibiliteit van veel arbeidsmigranten uit nieuwe lidstaten.

Hoofdstuk 8 vervolgt met een overzicht van de belangrijkste wetenschappelijke theorieën en concepten die in het proefschrift zijn verwerkt. Het gaat hierbij om gedachten uit vier wetenschapgebieden, namelijk migratiestudies, economische geografie, politieke economie en grensstudies. Dit overzicht mondt uit in een theoretisch raamwerk waarmee het begrip migrantflexwerk geduid en in de toekomst verder uitgewerkt kan worden.

Het proefschrift besluit dan ook met een onderzoeksagenda. In de EU zijn de regulering en de toekenning van arbeidslonen, arbeidsvoorwaarden, sociale zekerheid, pensioenen en belastingvoordelen aan burgers stevig verankerd op het niveau van de lidstaten. Op dit moment is er geen geharmoniseerd Europees stelsel van arbeids-, sociale zekerheids- en belastingrecht. Er is ook geen uniform systeem dat de – nu – 27 nationale stelsels coördineert. Hoe mobieler werknemers zijn, hoe meer moeilijkheden kunnen worden verwacht met betrekking tot hun legale, sociale en fiscale status. Flexwerkers uit Polen die worden ingehuurd door internationale arbeidsmarktbemiddelaars en achtereenvolgens tewerkgesteld in Nederland, België en Duitsland, zijn een veel grotere bron van boekhoudkundige onregelmatigheden en juridische conflicten dan grenspendelaars tussen Nederland en Duitsland. Het gebrek aan harmonisatie en coördinatie in de EU vormt een grotere belemmering voor ‘vrije’ arbeidsmobiliteit dan de overgangsmaatregelen. De lidstaten zijn immers verplicht om deze uiterlijk in 2011 op te heffen, maar de institutionele verschillen op het gebied van arbeid, sociale zekerheid en belastingen bestaan dan nog steeds.

Op grond van de bevindingen van dit proefschrift kan worden gesteld dat meer aandacht voor de geopolitieke, de politiek-economische en de sociaal-

ruimtelijke aspecten van rechtspraak over de arbeidsmarkttoegang en de tewerkstelling van arbeidsmigranten wenselijk is. Wie heeft baat bij het voortbestaan van institutionele en wetgevende verschillen tussen de lidstaten? Wat betekent de zichtbare aanwezigheid van migrantflexwerkers voor strategische discussies over arbeidsmigratie en arbeidsmarktflexibilisering? Wie profiteert van migrantflexwerk en van flexibilisering in brede zin? En ten slotte is het de vraag wat extreem mobiel en inzetbaar zijn betekent voor de verbondenheid van mensen met de plaatsen waar zij werken en wonen.

Curriculum vitae

Roos Pijpers graduated from Tilburg University in the Netherlands with a degree in Regional Economics and Economic Geography in 2001. As an undergraduate, Roos studied at the Universidad de Zaragoza in Spain through the Erasmus student exchange programme. In the winter and spring of 2002 she worked as a guest researcher at the Instituto Tecnológico y de Estudios Superiores de Monterrey in León, Mexico, through the AIESEC professional exchange programme.

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